

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10429 of 2004

Tamil Nadu Forest Plantation Corporation
Employees Union rep.by its General Secretary
AA-26, Anna Nagar, Thennur, Trichy.

...Petitioner

vs.

1. The State of Tamil Nadu
rep.by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai 600 009.
2. The Tamil Nadu Forest Plantation Corporation,
by it Managing Director,
AA-26, Anna Nagar, Thennur,
Trichy-620 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to (i) frame guidelines, rules and regulations in fixing the age of the fellings by adopting scientific method (ii) not to punish more than once for a single offence (iii) to provide more protective staffs with required vehicles, arms and other equipment for self-defence in vulnerable areas (iv) to fix the liability also for officers like General Managers (Conservator of Forests) Regional Managers, Forest Rangers level who are holding more responsibility than the protective staff. (v) No recovery order should be passed against Forest Watchers for any loss sustained by the Corporation unless otherwise their connivance proved thereon on or after 20.10.1993 as per G.O.Ms.No.92 E&F (Misc) Department dated 09.03.1993 and as per Managing Directors ref.No.D3/10556/92 dated 20.10.1993.

For Petitioners : M/s.Selvi George

For Respondents : Mr.Thangavadhana Balakrishna
Additional Government Pleader (Forest)

O R D E R

This writ petition is made absolutely innocuous and cannot be granted. The relief sought for in this writ petition is for a direction to the respondents to (i) frame guidelines, rules and regulations in fixing the age of the fellingings by adopting scientific method (ii) not to punish more than once for a single offence (iii) to provide more protective staffs with required vehicles, arms and other equipment for self-defence in vulnerable areas (iv) to fix the liability also for officers like General Managers (Conservator of Forests) Regional Managers, Forest Rangers level who are holding more responsibility than the protective staff. (v) No recovery order should be passed against Forest Watchers for any loss sustained by the Corporation unless otherwise their connivance proved thereon on or after 20.10.1993 as per G.O.Ms.No.92 E&F (Misc) Department dated 09.03.1993 and as per Managing Directors ref.No.D3/10556/92 dated 20.10.1993.

2. The writ petitioner is the Tamil Nadu Forest Plantation Corporation Employees Union represented by its General Secretary.

3. This Court is of the considered opinion that in respect of age and other claims of the writ petitioner union, the policy decision is to be taken by the Department. Contrarily, the High Court cannot issue any direction for prescription of age or other eligibility criteria for appointment or regularization or otherwise. All these decisions are the prerogative of the Government and the Government being a employer is empowered to form the scheme or eligibility criteria for appointment, promotion etc.

4. This apart, the writ petitioner union, if at all aggrieved from and out of any terms and conditions or otherwise, they are at liberty to approach the competent forum for redressal of their grievances. Contrarily, the High Court cannot issue any direction in respect of fixing of age or regarding other claims sought for in the present writ petition. Consequently, the relief sought for in the present writ petition is innocuous and the same cannot be considered of this Court under Article 226 of the Constitution of India.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ssb

To

1. The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai 600 009.

2. The Managing Director,
Tamil Nadu Forest Plantation Corporation,
AA-26, Anna Nagar, Thennur,
Trichy-620 017.

+1 CC to Govt. Pleader sr 80474.

W.P.No.10429 of 2004

MG (CO)
SP (31/10/2019)



WEB COPY