

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.10.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.11977 of 2010

Periyasamy

...Petitioner

Versus

- 1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.
- 2.The Deputy Conservator of Forest
Aforestation Division,
Thiruvannamalai.
- 3.The Forest Ranger,
Cheyyar, Thiruvannamalai District.
- 4.The Presidernt,
Tamil Nadu Afforestation,
Project Village Forest, Pudur,
T.V.Malai District.
- 5.The Additional Block Development Officer/
Extension Officer,
(Social Forestry),
West Arni Block,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider and pass orders to the petitioner name include in state wide seniority list as per G.O.Ms.No.64 environment and forest department dated 08.03.1999 and give him the benefit of G.O.Ms.No.95 dated 07.08.2009.

For Petitioner : Mr.K.Venkatesan
for Mr.P.Ganapathy

For Respondents : Mrs.Thangavadhana Balakrishnan,
Addl. Govt. Pleader (Forests)

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. The relief sought for in the present writ petition is to direct the first respondent to consider and pass orders to the petitioner name include in state wide seniority list as per G.O.Ms.No.64 environment and forest department dated 08.03.1999 and give him the benefit of G.O.Ms.No.95 dated 07.08.2009.

3. The case of the petitioner is that he was working as a Plot Watcher on the basis of daily wages and consolidate salary under the control of the second respondent. The petitioner was originally appointed in the year 1983 and engaged as Plot Watcher to the Rural Development Department (Jawazer Employment Scheme) under the control of sixth respondent from 1983 to 1996. Thereafter, he was transferred to the third respondent Office and engaged for the period from 01.01.1997 to 31.12.2006 and he engaged in Pudur, Tamilnadu Afforestation Project Village (TAP) under the control of the second respondent. The petitioner is working under the second respondent till date without any break.

3.1 While so, the Government issued G.O.Ms.No.64 Environment and Forest Department dated 08.03.1999 and G.O.Ms.No.95 Environment and Forest Department dated 07.08.2009 regarding the regularization of services of the Plot Watchers. Though the petitioner made several representations through the second respondent to the first respondent, requesting the regularization of his service. However, his representations were not considered and his service was not regularized as per the aforesaid Government Orders. Hence, left with no other alternative, the petitioner filed the present writ petition for the relief stated supra.

4. The second respondent filed a detailed counter affidavit, wherein, he had stated as follows:

(i) The writ petitioner was originally appointed by the Rural Development Department in the year 1983 and served upto 1996 under the control of the sixth respondent as per the averments made by the petitioner in his affidavit.

(ii) The petitioner cannot be appointed in the post of Plot Watcher with regular time scale of pay as under G.O.Ms.No.95 Environment and Forest Department dated 07.08.2009, because as per the said G.O, the individual should possess the following three qualifications:

- (i) name of the person should find a place in state wide seniority list of social Forestry Workers and Plot Watchers of Tamilnadu Forest Department;
- (ii) should have completed 10 years of service; and
- (iii) is working as on date.

However, the petitioner's name was not in the state wide seniority list and also he had not completed 10 years of service in the respondent Department.

(iii) The petitioner had worked in the Forest Department only for a period of 29 months and the details regarding the same is mentioned hereinbelow:

Sl.No	Period of Work	Cash Book Vr.No.	Total Period
1.	November 1998 & December 1998	46/8.3.99	2 Months
2.	January 1999	72/16.2.99	1 Month
3.	February 1999	Break in Service	
4.	March 1999	110/31.3.99	1 Month
5.	April 99 to August 99	7/4.9.99	5 Months
6.	September 99 to February 2000	52/13.3.2000	6 Months
7.	March 2000	97/30.3.2000	1 Month
8.	April 2000 to December 2000	Break in Service	
9.	January 2001 to March 2001	83/29.3.2001	3 Months
10.	April 2001 to May 2001	Break in Service	
11.	June 2001 to July 2001	28/08.08.2001	2 Months

Sl.No .	Period of Work	Cash Book Vr.No.	Total Period
12.	August 2001 to September 2001	Break in Service	
13.	October 2001 to January 2002	60/08.02.2002	4 Months
14.	February 2002	32/08.03.2002	1 Month
15.	March 2002	Break in Service	
16.	April 2002 to June 2002	53/29.7.2002	3 Months
	Total		29 Months

5. The learned Additional Government Pleader appearing for the respondents submitted that the State Government had issued G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 to bring the Social Forestry Workers and Plot Watchers under one state wide seniority list for considering them for the future vacancies of Forest Watchers, Mallis, Office Watchers etc. She further submitted that as per G.O.Ms.No.95 Environment and Forest Department dated 07.08.2009, the individuals those who have completed 10 years of service and their name found place in the state wide seniority list are eligible for the post of Plot Watcher in regular time scale of pay, however, the petitioner had worked in the Forest Department only for a short period of 29 months and also his name was not found in the seniority list. Hence, the respondent Department has not yet considered the representations made by the petitioner as he is ineligible to the said post. She therefore prayed that the present writ petition may be dismissed.

6. In view of the submissions made by the learned Additional Government Pleader appearing for the respondents, this Court is of the view that the petitioner's case deserves no merit of consideration. Hence, the present Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai - 15.

2.The Deputy Conservator of Forest
Aforestation Division,
Thiruvannamalai.

3.The Forest Ranger,
Cheyyar, Thiruvannamalai District.

4.The Presidernt,
Tamil Nadu Afforestation,
Project Village Forest, Pudur,
T.V.Malai District.

5.The Additional Block Development Officer/
Extension Officer,
(Social Forestry),
West Arni Block,
Thiruvannamalai District.

+1 cc to Spl Government Pleader Sr.No. 88054
W.P.No.11977 of 2010
A.SK(22/11/2019)



WEB COPY