

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.10.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.12100 of 2010
and W.P.M.P.No.1 of 2010

1.Mr.Venkatasamy

(This Writ Petition in respect of the 1st petitioner stands as withdrawn as per order dated 11.12.2015 made in M.P.No.1 of 2015)

2.K.Sathya @ Sathyamoorthy

3.G.Ramalingam

4.E.Muniyan

5.N.Ramakrishnan

...Petitioners

Versus

1.The State of Tamilnadu
Rep. by the Secretary to Govt.,
Environment & Forests Department,
Secretariat, Chennai - 9.

2.The Principal Chief Conservator of Forests,
1, Jeenis Road,
Panagal Building, Saidapet,
Chennai - 15.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioners as per G.O.Ms.No.95, Environment & Forests (F-2) Department dated 07.08.2009.

For Petitioners: Mr.V.S.Jagadeesan

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 this writ petition is to direct the respondents to regularize the service of the petitioners as per G.O.Ms.No.95, Environment & Forests (F-2) Department dated 07.08.2009.

3. As far as this case is concerned, the first petitioner was appointed in the supernumerary post of Plot Watcher vide G.O.Ms.No.202, Environment and Forests (F-2) Department dated 18.12.2013. Hence, the first petitioner had withdrawn the present writ petition on 11.12.2015.

4. Now, the petitioner Nos.2 to 5 are proceed with the writ petition.

5. The grievance of the petitioners 2 to 5 herein is that the respondent-Department has appointed them as Plot Watchers. The petitioners 2 to 5 have been serving in the said post for nearly 25 years. Now, the third petitioner was retired from service and the petitioners 2, 4 & 5 are continuing in service in the Department.

6. The Government of Tamil Nadu passed an order in G.O.Ms.No.95, Environment & Forests (F2) dated 07.08.2009, for regularization of all the candidates who are similar to that of the writ petitioners. As per the said Government Order, all the candidates were regularized except the petitioners 2 to 5. Hence, the aggrieved petitioners filed the present writ petition for the relief stated supra.

7. Pending this writ petition, the petitioners 2 to 4 had filed yet another writ petition in W.P.No.2364 of 2014 before this Court, seeking to direct the respondents to regularize the service of the petitioner in the post of Plot Watcher as per G.O.Ms.No.202, E & F (F-2) Department, dated 18.12.2013 w.e.f the date of completion of 10 years of service with all monetary and service benefits. By order dated 29.01.2014, this Court disposed of the said writ petition by holding as follows:

"7. Considering the submissions made on either side, this Court is not inclined to give any positive direction, however, I find it just and reasonable to direct the respondents to consider the representation of the petitioners. Accordingly, the first respondent is directed to consider the representation of the petitioners,

dated 30.12.2013 in accordance with law and pass appropriate orders in the light of the G.O.Ms.No.202, dated 18.12.2013 and in the light of orders of this Court passed in W.P.No.2942 of 2011, dated 19.09.2011 within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observation, this writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs."

8. The learned Additional Government Pleader appearing for the respondents submitted that pending the present writ petition, the petitioners 2 to 4 have filed the Writ Petition No.2364 of 2014. Subsequent to the order passed by this Court in W.P.No.2364 of 2014, the second respondent Department rejected the petitioners' representation vide order dated 01.12.2014.

8.1 The learned Additional Government Pleader would contend that the petitioners 3 & 4 have filed one more writ petition in W.P.No.25407 of 2015 before this Court, seeking to call for the records on the file of the second respondent in connection with the order passed by him in Ref.No.LL2/4843/2014, dated 01.12.2014 signed on 09.07.2015 and quash the same and direct the respondents to extend the benefits of G.O.Ms.No.95, Environment & Forests (F-2) Dept., dated 07.08.2009 w.e.f the completion of 10 years, however, the same is pending on the file. She would further contend that the fifth petitioner is working as Plot Watcher on daily wages for more than 10 years and it is under scrutiny.

9. From a perusal of the materials available on record, it is seen that while the present writ petition is pending before this Court, the petitioners 2 to 4 have filed W.P.No.2364 of 2014. Pursuant to the order passed by this Court in W.P.No.2364 of 2014 dated 29.01.2014, the second respondent passed an order in Ref.No.LL2/4843/2014 dated 01.12.2014 rejecting the petitioner's representation, challenging which, the petitioners 3 & 4 have filed yet another writ petition in W.P.No.25407 of 2015 before this Court and the same is pending.

10. In view of the order passed by this Court in W.P.No.2364 of 2015 dated 29.01.2014 and also the subsequent order passed by the second respondent in Ref.No.LL2/4843/2014 dated 01.12.2014, the writ petition has become infructuous and therefore, the petitioners 2 to 4 are not entitled to any relief as they sought for in this

writ petition.

11. Considering the fact that the fifth petitioner is not a party in the Writ Petition No.2364 of 2014 and he is working as a Plot Watcher on daily wages for more than 10 years, this Court is inclined to give a direction. Accordingly, this Court directs the first respondent to consider the fifth petitioner's representation dated 20.05.2010, in accordance with law and pass appropriate orders in the light of the G.O.Ms.No.95, Environment & Forests (F-2) Department dated 07.08.2009, as expeditiously as possible.

12. In the result, the Writ Petition is dismissed as against the petitioners 2 to 4 for the foregoing reasons and as far as the fifth petitioner is concerned, the Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Secretary to Government,
Environment & Forests Department,
Secretariat, Chennai - 9.
- 2.The Principal Chief Conservator of Forests,
1, Jeenis Road,
Panagal Building, Saidapet,
Chennai - 15.

+1cc to Mr.V.S.Jagadeesan , Advocate SR.No. 88192

+1 cc to Spl Government Pleader Sr.No. 87551

W.P.No.12100 of 2010

nrl (CO)

A.SK(26/11/2019)