

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7147 of 2008, M.P.Nos.2 and 3 of
2008 and W.M.P.No.9252 of 2019

M.Pandian

.. Petitioner

-vs-

1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai-600 015.

2.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.

3.The District Forest Officer,
Harur Division,
Harur, Dharmapuri District.

4.The District Employment Officer,
Dharmapuri.

5.The Government of Tamil Nadu
represented by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 600 009.

.. Respondents

(the fifth respondent is impleaded vide order
dated 01.04.2019 passed by this Court in
W.M.P. No.9245 of 2019 by TRJ)

Prayer:

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the orders in (1) Na.Ka.No.1466/2006/Po.3 dated 03.03.2008 of the second respondent and (2) Na.Ka.No.992/2006/Pa.1 dated 04.03.2008 of the third respondent, quash the same and issue consequential directions to the respondents to allow the petitioner to continue to serve as Jeep Driver at Kottapatti Range, Harur Division, Dharmapuri Circle.

For Petitioner : Mr.M.Ravi

For respondents : Ms.Thangavadhana Balakrishnan,
Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned orders in Na.Ka.No.1466/2006/Po.3 dated 03.03.2008 passed by the Conservator of Forests, Dharmapuri, the second respondent herein and Na.Ka.No.992/2006/Pa.1 dated 04.03.2008 passed by the District Forest Officer, Dharmapuri District, the third respondent herein and seeking a direction to the respondents to allow the petitioner to continue to serve as Jeep Driver at Kottapatti Range, Harur Division, Dharmapuri Circle.

2.According to the learned counsel for the petitioner, the petitioner joined the service as Jeep Driver on 12.09.1996 and he has been continuing his service till date. However, the Tamil Nadu Government Forest Department Drivers Association has filed W.P. (MD) No.3511 of 2007 before the Madurai Bench of this Court and by order dated 13.04.2007 in M.P. (MD) No.2 of 2007, interim stay has been ordered against the order dated 02.04.2007 passed by the Principal Chief Conservator of Forests, who in turn, has issued orders in Rc.No.25701 of 2007 dated 30.05.2007 and directed the Conservator of Forests, the second respondent herein to keep in abeyance the filling up of 30 posts of Forest Guards with driving licences. While so, the second respondent by proceedings dated 03.03.2008 has instructed the third respondent to take immediate steps to fill up three posts of Forest Guards-cum-Drivers by direct recruitment at Harur. However, the third respondent, who in turn, by letter dated 04.03.2008 requested the District Employment Officer, Dharmapuri to sponsor the names of eligible candidates and send a list for filling up the three posts of Forest Guards-cum-Drivers by direct recruitment. While the Head of the Department has issued specific consequential directions not to fill up 30 posts of Forest Guards-cum-Drivers and to keep the same in abeyance, the second respondent has no authority to pass the impugned order.

3.Learned Additional Government Pleader appearing for the respondents would submit that since the Principal Chief Conservator of Forests, Chennai has sent a proposal to the Government for regularising the service of 15 temporary drivers of daily waged employees and subsequently, the Government have regularised the service of one member, namely, S.Arumugam and rejected the proposal of Principal Chief Conservator of Forests, Chennai to regularise the service of 14 members in the list vide G.O. Ms. No.22 Personal and Administrative Reforms Department dated 28.02.2006 for not having completed 10 years of service as

on 01.01.2006. However, the petitioner filed a Writ Petition before this Court in W.P. No.20036 of 2013 for quashing the orders and this Court by order dated 10.07.2014, directed the respondents to regularise the service of the petitioner from the date of his initial appointment on 01.08.1996 with all consequential benefits. Thereafter, the District Forest Officer, Harur has sent a proposal to the Principal Chief Conservator of Forests, Chennai to regularise the service of the petitioner and now order is awaited from the Principal Chief Conservator of Forests, Chennai.

4.Considering the similar request, I have passed an order on 13.02.2019 in W.P. Nos.30564 and 30565 of 2008 in the case of M.Saravanan and M.Govindasamy, who are also working as drivers in the same Forest Department, allowing the writ petitions with a consequential direction to the respondents to regularise the service of the petitioners therein on the basis of the G.O. Ms. No.22 P & A.R. Department dated 28.02.2006 within a period of eight weeks.

5.In the present case, the question is whether the petitioner is entitled to get the benefit of G.O. Ms.No.22 P & A.R. Department dated 28.02.2006ted 01.01.2006. Admittedly, the petitioner has been continuously working in the Forest Department for more than 23 years without any interruption as a Jeep Driver. Since the petitioner has completed more than ten years of service as on 01.01.2006 as prescribed in G.O. Ms. No.22, it is a fit case for regularisation of the service of the petitioner and therefore, this Court finds no impediment to direct the respondents to regularise the service of the petitioner. Accordingly, the Principal Chief Conservator of Forests, Chennai, the first respondent herein is hereby directed to send a proposal to the Secretary to Government, Environment and Forest Department, the fifth respondent herein to regularise the service of the petitioner within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the fifth respondent is hereby directed to accept the proposal and regularise the service of the petitioner within a period of four weeks thereafter. With the above direction, the writ petition is disposed of. Consequently, connected M.Ps are closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai-600 015.

2.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.

3.The District Forest Officer,
Harur Division,
Harur, Dharmapuri District.

4.The District Employment Officer,
Dharmapuri.

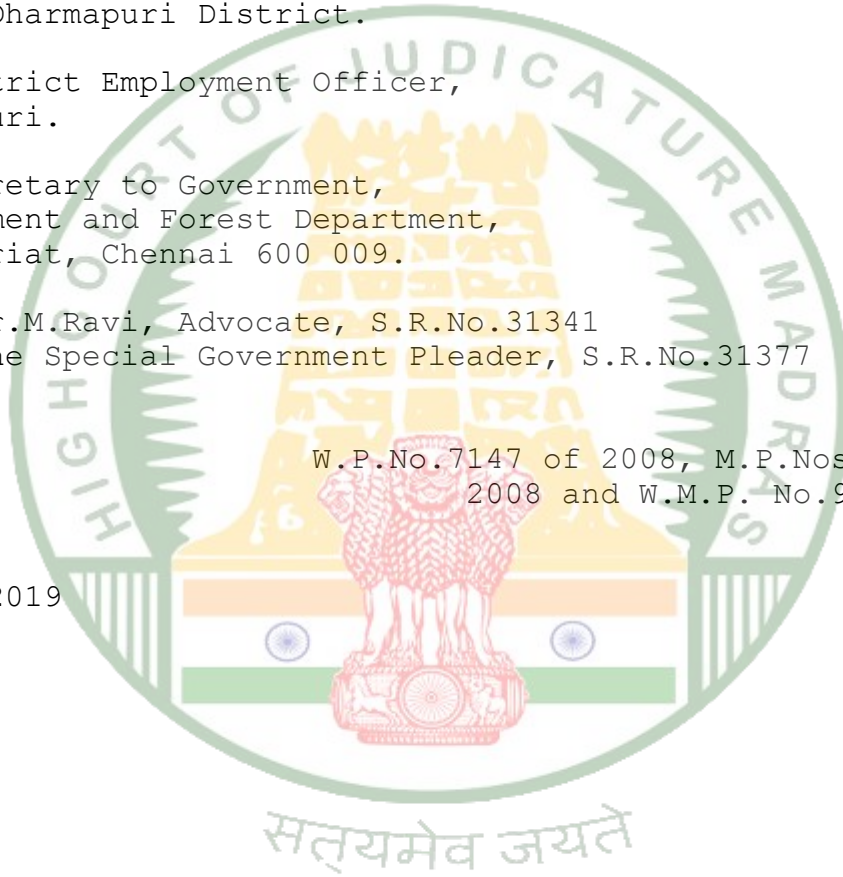
5.The Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 600 009.

+1cc to Mr.M.Ravi, Advocate, S.R.No.31341

+1cc to the Special Government Pleader, S.R.No.31377

W.P.No.7147 of 2008, M.P.Nos.2 and 3 of
2008 and W.M.P. No.9252 of 2019

RGN(CO)
CS/21/06/2019



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