

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7053 of 2019

A.Selvaraju

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Environment & Forests,
Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of
Forests & Head of Forest Force,
Panagal Building, Saidapet,
Chennai 600 015.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider and pass orders on the proposals submitted by the 2nd respondent in proceeding Ref No.S2/20972/2014, dated 27.01.2016, for regularization of the services of the petitioner, in the light of G.O.Ms.No.3, Environment and Forests (FR.2.II), Department, dated 11.01.2019 within a stipulated period of time.

For Petitioner : Ms.Swadhi Subramaniam

For Respondents: Ms.Thanga Vadana Balakrishnan,
AGP (F)

O R D E R

By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal.

2. The grievance of the petitioner is that though the second respondent had sent favourable proposal for regularisation of services of the petitioner, the first respondent is yet to regularise his service. In this connection, the petitioner has also sent representation to the first respondent on 18.02.2019.

3. When the second respondent has already sent proposal for regularisation of service of the petitioner, there cannot be any impediment on the first respondent to consider the same. Nevertheless, such a decision requires to be taken by the first respondent alone and this Court may not be justified in directing the regularization of service the petitioner at this stage. Nevertheless, since the representation given by the petitioner is pending, it would be appropriate to direct the first respondent to consider the representation within a stipulated time.

4. It is also submitted by the learned counsel for the petitioner that the respondents had regularised the services of the similarly placed employees pursuant to the orders of this Court as well as the Hon'ble Supreme Court of India based on G.O.Ms.No.3, Environment and Forests (FR.2.II), Department, dated 11.01.2019. As such, the service of the petitioner herein may also deserve regularisation.

5. In the light of the above observations, there shall be a direction to the first respondent to consider the representation of the petitioner in the light of the proposal sent by the second respondent as well as G.O.Ms.No.3, Environment and Forests (FR.2.II), Department, dated 11.01.2019 within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition stands ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arb/pvs
To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Environment & Forests,
Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of
Forests & Head of Forest Force,
Panagal Building, Saidapet,
Chennai 600 015.

+lcc to Mr.R.Premnarayan, Advocate Sr.23050
+lcc to the Government Pleader sr.23082

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srg 23/04/2019