

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WA Nos.1842 to 1844 of 2018
and CMP Nos.14772, 14773, 14775 of 2018

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.

2. The Principal Chief Conservator of Forest,
Forest Department,
Panagal Building,
1, Geenis Road, Saidapet
Chennai - 600 015.

3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri - 636 705,
Dharmapuri District. Appellants

Vs.

1. V.Madhu
No.1842/18 Respondent in WA

2. V.Mahendran ... Respondent in WA No.1843/18

3. M.Rajeshkumar ... Respondent in WA No.1844/18

Writ Appeals filed under Clause 15 of the Letters Patent
against the common order dated 04.09.2017 made in W.P.Nos.19456
to 19458 of 2013.

Prayer in WP.Nos.19456 and 19457/2013: Petitions filed under
Article 226 of the Constitution of India praying to issue a Writ
of Certiorarified Mandamus, to call for the records of the 1st
respondent order made in Lr. 15393/Forest-2/2012-9 dt 9.5.2013
and quash the same consequently directing the respondents to
regularize the petitioners service as Driver in the regular post
from the date of initial appointment i.e. 27.7.1998 with all

consequential service and monetary benefits.

Prayer in WP. 19458 of 2013: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to directing the respondents to regularize the petitioner service as Driver in the regular post from the date of initial appointment i.e. 4.11.1998 with all consequential service and monetary benefits.

For Appellants : Mr.S.V.Vijay Prashanth
in all appeals Spl.Government Pleader

For Respondent : Mr.Jothimanian
in all appeals

C O M M O N J U D G E M E N T
(Order of the Court was delivered by S.MANIKUMAR, J)

Instant writ appeals are directed against the common order dated 04.09.2017 made in W.P.Nos.19456 to 19458 of 2013, by which the writ Court, directed the appellants to regularise the services of the writ petitioners / respondents herein from the date of completion of ten years, from the date of initial appointment with all attendant and consequential benefits, within a period of two months, from the date of receipt of the copy of the order made in the writ petitions.

2. Short facts leading to the filing of writ appeals are as follows:

Writ petitioners/respondents herein were appointed as Drivers on 27.07.1998 and 04.11.1998 in Dharmapuri Forest Division through Employment Exchange and they have been working continuously as Drivers from the date of initial appointment till the date of filing of the writ petitions. Representations of the writ petitioners/respondents herein for regularising their services were rejected by the 2nd appellant, vide order dated 07.10.2008 on the ground that they have not completed 10 years of service as per G.O.Ms.No.22 of P&A R Department dated 01.01.2006. Therefore, challenging the same, they filed W.P.Nos.19456 to 19458 of 2013.

3. After hearing the learned counsel for both parties, following the order made in respect of a similarly placed person viz., S.Murugan, in WP.(MD) No.11106 of 2013, dated 01.12.2016, confirmed by a Hon'ble Division Bench of this Court in WA (MD) No.686 of 2017 dated 12.07.2017, a learned Judge, allowed W.P.Nos.19456 to 19458 of 2013 vide common order dated 04.09.2017. Relevant portion of the said order is extracted hereunder.

"8. Since the petitioners herein are squarely covered by the order passed by this Court as aforesaid, this Court cannot take a different view in the matter. Moreover, the objection raised by the learned counsel appearing for the respondents was considered and over ruled and therefore, the similar objection which is raised by the learned counsel for the respondents cannot be entertained as being valid and substantive.

9. In view of the above submissions, this Court has no hesitation in allowing these writ petitions and the impugned order passed by the first respondent dated 09.05.2013, insofar as the two petitioners are concerned, are set aside and all the petitioners are directed to be regularized from the date of completion of 10 years from the date of initial appointment with all attendant and consequential benefits. The direction shall be complied with by the first respondent within a period of two months from the date of receipt of a copy of this order.

10. With the above direction, the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

4. Aggrieved by the abovesaid common order, appellants have filed the instant writ appeals.

5. Though several grounds have been raised, on this day, when the writ appeals came up for hearing, on instructions from the department, Mr.S.V.Vijay Prashanth, learned Special Government Pleader (Forest), submitted that subject matter of the instant appeals, is squarely covered by a decision of this Bench made in WA No.2796 of 2018 dated 02.01.2019.

6. We have perused the grounds made in the instant appeals and the judgment made in WA No.2796 of 2018 dated 02.01.2019 and find similarity of facts and law.

7. Placing on record the submission of Mr.S.V.Vijay Prashanth, learned Special Government Pleader (Forest), and the observations stated supra, we are inclined to follow the decision made in WA No.2796 of 2018 dated 02.01.2019. Accordingly, instant writ appeals are dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

8. Appellants are directed to regularize the services of the writ petitioners/respondents herein, from the date of completion of ten years, from the date of initial appointment, with all

attendant and consequential benefits, within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ars

TO

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Forest Department,
Panagal Building,
1, Geenis Road, Saidapet
Chennai - 600 015.
3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri - 636 705,
Dharmapuri District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No. 3369
+1cc to the Special Government Pleader, S.R.No. 2678

RGN(CO)
GN(22/02/2019)

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