

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.No.2159 of 2018
&
C.M.P.No.16725 of 2018

C.Venkatachalam Appellant/ Petitioner

-vs-

- 1.The State Rep. by its.,
The Secretary to Government,
St. George Fort (Forest),
Chennai - 600 009.
- 2.The Principal Chief Conservator
of Forest (PCCF),
Panakal Maligai,
Saidapet, Chennai 600 015.
- 3.The Regional Conservator (Forest),
Vellore District,
Vellore.
- 4.The District Forest Officer (DFO)
Tirupattur Range,
Tirupattur Taluk,
Vellore District.
- 5.The Forest Ranger,
Tirpattur Range,
Tirupattur Taluk,
Vellore District.

.... Respondents/ Respondents

Writ Appeal filed under Clause 15 of Letter Patent
against the order in W.P.No.349 of 2014 dated 06.10.2017
on the file of the High Court of Judicature at Madras.

Prayer in W.P.No.349 of 2014:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari Mandamus Calling for the records relating to the proceedings of the 2nd respondent in Ref. No.LL1/00775/ 2012 by the Principal Chief Conservator of Forest dated 31.10.2013 quash the same and also direct the respondents to reinstate the petitioner in service from the date of appointment (15.3.1992) with all attendant benefits.

For Appellant : Mr.K.Thiruvalluvan
For Respondents : Ms.Narmatha Sampath
Additional Advocate General
Assisted by
Ms.Thangavadhana Balakrishnan
Additional Government Pleader (F)

J U D G E M E N T

[Judgment of the Court was delivered by P.T.ASHA,J.]

The Intra-Court appeal is directed against the order in W.P.No.349 of 2014 in and by which the request of the appellant for regularization of service and consequently to direct the respondents to reinstate him in service from the date of appointment i.e., 15.03.1992, with all attendant benefits was rejected. The facts in brief are as follows:

2.The appellant had joined the services of the respondents in the year 1992 and has been working with them since then. The appellant was appointed as a Range Officer, Dog Squad, Hosur Circle under the forest department.

3.The appellant would submit that he had been requesting to have his services regularized in view of G.O.Ms.No.22, Personnel and Administrative Reforms (P) Department dated 28.02.2000.

4.In response to the representation dated 10.05.2006, the District Forest Officer by his letter dated 06.06.2006 had called upon the appellant to produce all his records so as to enable them to process the application for regularization. The appellant originally worked at Hosur Division from where he was transferred to Villupuram Division and thereafter to Tirupathur Division. All along he was on a consolidated pay of Rs.5,000/-

5.By order dated 02.09.2009, the consolidated pay was reduced to Rs.2,500/- from Rs.5,000/-. The appellant filed W.P.No.25927 of 2009 for a mandamus to direct the 2nd respondent to regularize his services from the date of his initial appointment namely, 02.05.1992. On 14.07.2011, the Writ Petition was dismissed. Challenging the said order the appellant had filed W.A.No.2186 of 2011. This Intra-Court appeal was disposed off with the following directions:

"The second respondent is therefore directed to consider the claim made by the appellant for regularisation on the basis of the representation dated 1 February 2009. The second respondent should consider the issue with a human approach not withstanding the artificial break for the period from March 2002 to July 2004. While considering such representation, necessarily the first respondent should take note of the long service put up by the appellant. Such exercise shall be completed within a period of three months from the date of receipt of production of a copy of this order."

6.Thereafter the representation of the appellant was rejected by order dated 31.10.2013. The rejection of the representation, made the appellant to file W.P.No.349 of 2014 and by order dated 06.10.2017, the learned Judge was pleased to dismiss the said Writ Petition by holding that no one is entitled to regularization as a matter of right. Challenging the said order the appellant is before this Court.

7.Heard Mr.K.Thiruvalluvan, learned counsel for the appellant and Ms.Narmatha Sampath, Additional Advocate General, for the respondents.

8.It is an admitted case that the appellant has been working with the respondents at their various divisions right from the year 1992. String of certificates have been issued by the officers of the Forest Department and therefore the same cannot be ignored or brushed aside.

9.The appellant has in fact been lulled into believing that he would be regularized by virtue of the letter by the 4th respondent as early as in the year 2006. Thereafter no pro active steps had been taken by the respondents herein. It is now more than 27 years since the appellant has been working for the respondents.

10.In view of the above we are of the view that interest of the Justice would be sub served by regularizing the services of the appellant without any

claim for back wages or benefits. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this Judgment.

The Intra-Court appeal is partly allowed with the above direction. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
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- 2.The Principal Chief Conservator
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- 5.The Forest Ranger,
Tirpattur Range,
Tirupattur Taluk,
Vellore District.

+1cc to Mr.K.Thiruvalluvan , Advocate SR.No. 58394
+1 cc to Government Pleader Sr.No. 58219

W.A.No.2159 of 2018 &
C.M.P.No.16725 of 2018

A.SK(09/09/2019)