

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17424 to 17428 of 2018

...Petitioners in

C.Mhalingam

W.P.No.17424 of 2018

R.Durairaj

W.P.No.17425 of 2018

M.Anjaiyan

W.P.No.17426 of 2018

T.Gunasekaran

W.P.No.17427 of 2018

R.Karuppanan

W.P.No.17428 of 2018

.Vs.

1.The State of Tamil Nadu

Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-9.

...1st Respondent
In all W.Ps.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai-15.

... 2nd Respondent
In all W.Ps.

3.The District Forest Officer,
Salem Division,
Salem.

...3rd Respondent
In W.P.No.17424/2018

3.The District Forest Officer,
Perambalur Forest Division,
Perambalur.

...3rd Respondent
In W.P.No.17425/2018

3.The District Forest Officer,
District Forest Office,
Thanjavur.

...3rd Respondent
In W.P.No.17426/2018

3.The District Forest Officer,
Dindigul Forest Division,
Dindigul-624 004.

...3rd Respondent in
W.P.Nos.17427 & 17428/2018

S.Katturajan

...4th respondent in
W.P.17424 of 2018 & WP.17427/2018

M.Balakrishnan
S.Rasappan
S.Muthukrishnan

W.P.No.17425 of 2018
W.P.No.17426 of 2018
W.P.No.17428 of 2018

COMMON PRAYER:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioners as Mali with effect from the date of his juniors appointment on 24.01.1995 as Forest Watcher by considering his representation in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP(Civil). No.12056 of 2015 dated 05.07.2016, Cont.P.No.679 of 2015 dated 19.10.2016 and with all consequential benefits within a time frame.

(In all W.Ps.)

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.M.Elumalai,
Government Advocate

COMMON ORDER

These writ petitions have been filed seeking direction to the respondents to appoint the petitioners as Mali with effect from the date of their juniors appointment dated on 24.01.1995, as Forest Watchers by considering their representations in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP(Civil). No.12056 of 2015 dated 05.07.2016, Cont.P.No.679 of 2015 dated 19.10.2016 and with all consequential benefits within a time frame.

2.Since the issue involved in these petitions are one and the same, all the writ petitions are taken up for common disposal.

3.The petitioners are appointed as plot watchers in the Forestry Division. Thereafter as per G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, the petitioners names were not included in the Statewide Seniority List. Subsequently, as per G.O.Ms.No.95, the petitioners service was brought under the regular time scale of pay. The similarly placed persons have filed W.P.No.15561 of 2006 and W.P.No.23374 of 2008 before this Court and the same were disposed of on

10.03.2008 and 30.10.2009 with a direction to consider their claim for appointment as Forest Watcher on par with their juniors. As against the said order, the respondents viz., Forest Department filed appeals in W.A.Nos.690 of 2008 and 607 of 2010, which were dismissed by the Division Bench of this Court on 13.10.2009 and 29.03.2010 respectively. Pursuant to the dismissal of the appeals, the respondents have implemented the said orders. According to the petitioners, though they have been appointed as supernumerary plot watchers on 07.08.2009, the respondents failed to consider their seniority and not appointed them as Mali on par with their juniors' appointment as Forest Watcher. However, as per the orders of this Court, the petitioners are entitled for appointment to the post of Mali with effect from the date of juniors' promotion as Forest Watcher. Hence, they sent a representation to the respondents to appoint them as Mali with effect from the date of junior appointment as Forest Watcher on 24.01.1995. Since the same has not been considered till date, the petitioners have filed the present writ petitions.

4. Heard both sides.

5. The learned counsel for the petitioners submitted that though a larger relief has been sought by the petitioners, it would suffice if a direction is issued to the respondents to consider the representation of the petitioners and pass orders.

6. In view of the restricted submission made by the learned counsel for the petitioners, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the representations of the petitioners dated 02.03.2017, 20.09.2017, 07.03.2017, and nil dated and 05.05.2017 respectively and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, these writ petitions are disposed of. No costs.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.

3.The District Forest Officer,
Salem Division, Salem.

4.The District Forest Officer,
Perambalur Forest Division,
Perambalur.

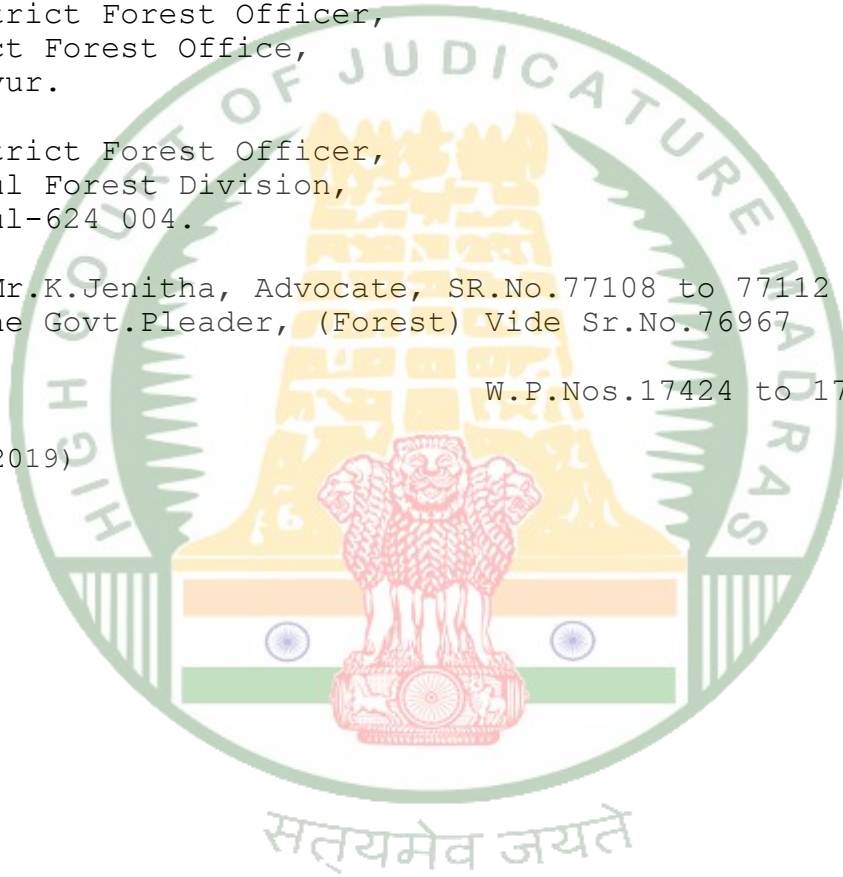
5.The District Forest Officer,
District Forest Office,
Thanjavur.

6.The District Forest Officer,
Dindigul Forest Division,
Dindigul-624 004.

+5CCs to Mr.K.Jenitha, Advocate, SR.No.77108 to 77112
+1cc to the Govt.Pleader, (Forest) Vide Sr.No.76967

W.P.Nos.17424 to 17428 of 2018

Kak(22/10/2019)



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