

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19540 of 2019

S.Kaliyan

.. Petitioner

vs.

1.Government of Tamil Nadu,
Rep.by its Secretary,
Environment and Forest Department,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as regular time scale Forest Watchers taking into account of his seniority and qualification, on par with his juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.03.2008, W.A.No.690/2008 dated 13.10.2009, W.P.No.23374/2008 dated 30.10.2009, W.A.No.607/2010 dated 29.03.2010 and proceedings of the 2nd respondents dated 07.01.2011 and confer all consequential benefits.

For Petitioner : Mr.Saravana Kumar.S
For Respondents : Mr.M.Elumalai
Government Advocate

सत्यमेव जयते
O R D E R

The prayer sought for in the Writ Petition is to appoint the petitioner as regular time scale Forest Watchers taking into account of his seniority and qualification, on par with his juniors in the light of the orders passed in W.P.No.15561/2006 dated 10.03.2008, W.A.No.690/2008 dated 13.10.2009, W.P.No.23374/2008 dated 30.10.2009, W.A.No.607/2010 dated 29.03.2010 and proceedings of the 2nd respondents dated 07.01.2011 and confer all consequential benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner joined the service of the Forest Department on daily wage basis as Forest Watcher during the year 1977 to 1994. However, the respondents have appointed juniors of the petitioner numbering 9 as Forest Watchers in the regular time scale on the basis of the educational qualification. During the years 1994 and 1999, the Forest Department drawn State wide Seniority list by including the daily wage employees throughout the State, which will be the basis for regularizing the services of the daily wage employees. In the said list, the name of the petitioner has not been included.

4. It is further stated that the Government issued G.O.Ms.No.59, Environment and Forest Department to confer supernumerary post to all the daily wage employees irrespective of the date of their appointment. Even the benefit of the said G.O. has not been conferred to the petitioner because his names was not included in the State wide Seniority list. Again on 18.12.2013, the Government issued G.O.Ms.No.202, Environment and Forest Department to include the names of the daily wage employees in the State wide Seniority list to regularize their service in a phased manner. Even according to this Government Order, the names of the petitioner was not included in the State wide Seniority list. Thereafter, the petitioner made 07.01.2019 to the respondents. However, till date the representation of the petitioner was not considered. Hence, the petitioner has come forward with the writ petition seeking direction to the respondents to appoint him as regular time scale Forest Watcher taking into account their seniority and qualification on par with his juniors.

5. The learned counsel for the petitioner would submit that the non-inclusion of the name of the petitioner in the State wide Seniority list is the only reason for the petitioner for not getting the benefits of the Government Orders passed by the Government. Hence, it would be sufficient to direct the respondents to consider the representation of the petitioner and pass orders on the same.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to consider the representation of the petitioner dated 07.01.2019 and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

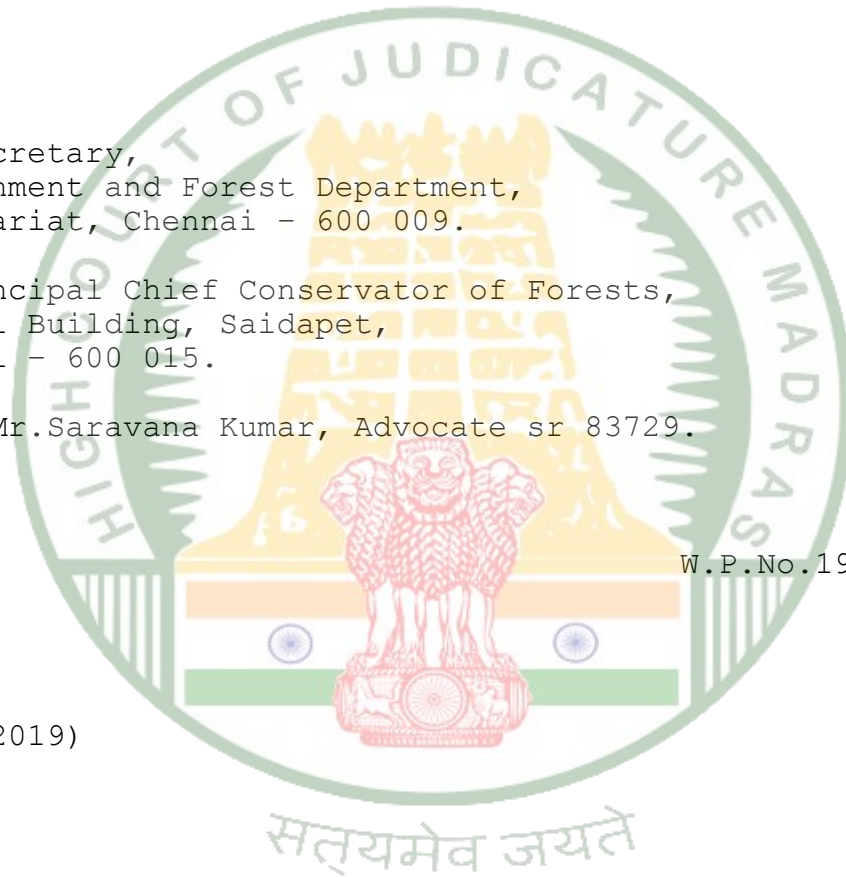
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To

1. The Secretary,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
- +1 CC to Mr. Saravana Kumar, Advocate sr 83729.

W.P.No.19540 of 2019

PA(CO)
SP(29/11/2019)



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