

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19093 of 2019

C.Munusamy

..Petitioner

vs

1.Government of Tamil Nadu
Rep. by its Secretary
Environment and Forest Department
Fort St. George
Chennai-600 009.

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

3.The District Forest Officer
Kanchipuram District, Kanchipuram.

.. Respondents

Prayer: Writ Petition is 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 Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, WA.NO.607/2010 dated 20.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits based on petitioner's representation dated 30.10.2018 with effect from 24.01.1995.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner as regular

time scale of Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits based on petitioner's representation dated 30.10.2018 with effect from 24.01.1995.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he was appointed as Plot Watcher at Village Social Forestry Range, Thiruthani, on consolidated basis. Thereafter, he was brought under regular time scale of pay of Plot Watcher, which is a cadre post, in the year 2009. He was promoted as a Forest Watcher in the year 2011 from the post of Plot Watcher. Subsequently, the petitioner was retired from service on 28.05.2013. Thereafter, the petitioner came to know that his juniors got promotion prior to him, for which, the petitioner has made a representation to the respondents on 30.10.2018 to promote the petitioner on par with his juniors. However, the petitioner's representation was not considered by the respondents till date. Hence this writ petition.

4. Learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and pass appropriate orders within the reasonable time.

5. Considering the facts and circumstances of the case, the petitioner was appointed as a Plot Watcher in the respondents Department in the year 1984. He was brought under the regular time scale of pay of Plot Watcher in the year 2009. Subsequently, the petitioner retired on 28.05.2013. It is pertinent to note that the petitioner has made the representation to the respondents on 30.10.2018 claiming notional promotion after a lapse of five years. Considering the laches on the part of the petitioner, I am not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kj

To

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

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

3.The District Forest Officer
Kanchipuram District, Kanchipuram.

+1cc to Mr.C.Prabakaran , Advocate SR.No. 86810

W.P.No.19093 of 2019

A.SK(04/12/2019)



WEB COPY