

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.25052 of 2019
and
W.M.P.No.24619 of 2019

1 Mathi

2 P.M.Kanagaraj ... Petitioners

vs

1 The Government of Tamil Nadu
Rep. by the Principal Secretary to
Government Environment and Forests
Department Chennai 600 009

2 The Principal Chief conservator
of Forest (Head of Forest Department)
Chennai 600 015.

3 The Soil conservation Officer,
Mettur Soil Conservation Scheme,
Salem - 636 007. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to declare that the petitioners father Thiru.K. Ponnusamy (late) in accordance with the date of joining as Plot Watcher be regularly absorbed as Forest Watcher with effect from the date of such absorption of his junior and to grant all consequential retirement and Revisionary benefits and consider the claim of Renewal for appointment on compliance of grounds in the State -wide seniority list of Plot watchers in the appropriate place therein for absorption as Forest Watcher grant pensionary benefits to the Petitioners family and for giving appointment to the Petitioner on compassionate grounds in the light of the Judgment all within a time frame.

For Petitioner : Mr.M. Ravi
For Respondents : Mr.M.Elumalai,
Government Advocate

ORDER

It is the case of the petitioner that the petitioner's father K.Ponnusamy was serving as Plot Watcher in Mettur Soil Conservation Scheme Division from 01.11.1973 on daily wage basis. Based on the proceedings of the 2nd respondent dated 17.05.1999, the 3rd respondent released the Seniority List of Plot Watchers in MSCS Division (Salem) for inclusion in the State List of Plot Watchers for absorption as Forest Watchers to all Rangers in the Division by letter dated 26.05.1999. The name of the petitioner's father is at Sl.No.3. On 22.09.2000, the petitioner's father expired while he was in service and the issue of absorption as Forest Watcher was pending. Thereafter, on 25.04.2001, the petitioner applied for appointment on compassionate grounds. On 07.05.2001, he was informed that the Government have imposed ban on appointments on compassionate grounds and hence, the claim of the petitioner cannot be considered. After the ban was lifted, the petitioner made various representations to the respondents but there was no response. On 25.04.2009, the 2nd respondent has also issued orders rejecting the claim of the petitioner. Hence, this petition has been filed.

2. On a perusal of records, it is seen that the petitioner's father worked as Plot Watcher on daily wage basis and died in the year 2000 itself. Thereafter, the petitioner made a representation for regularization of the service of his father, but the same was rejected on 25.04.2009 by an order of the Principal Chief Conservator of Forests. Thereafter, on 09.06.2018, the petitioner has submitted a representation to the respondents as per the Judgment of the Division Bench of this Court in W.P.No.5980 of 2004 dated 03.08.2012 for inclusion of the name of the petitioner's father in the State Wide Seniority list of Plot Watchers to absorb him as Forest Watcher in regular time scale and to consider the claim of the petitioner for appointment on compassionate grounds. Moreover, there is no explanation given by the petitioner for the huge delay in this regard. Hence, this Court cannot give any Mandamus to consider the representation of the petitioner.

Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mps

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forests Department
Chennai - 600 009.
- 2.The Principal Chief conservator
of Forest (Head of Forest Department)
Chennai 600 015.
- 3.The Soil conservation Officer,
Mettur Soil Conservation Scheme,
Salem - 636 007.

+1cc to Mr.M.Ravi, Advocate SR.84477

+1cc to the Spl Government Pleader(Forest) SR.84238

W.P.No.25052 of 2019

and

W.M.P.No.24619 of 2019

SV(CO)
CB(17/02/2020)

सत्यमेव जयते

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