

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28706 of 2019
and
W.M.P.No.28454 of 2019

1.E.Harikrishnan
2.D.Kannan
3.D.Prasad
4.K.Rajaram
5.R.Sankar
6.M.Jaiganesh
7.N.S.Sekar
8.S.Jayalakshmi
9.K.Ramesh
10.V.Babu
11.S.J.Lawrance

... Petitioners

Vs.

1.Government of Tamil Nadu,
Represented 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 Additional Principal Chief Conservator of Forest
and Director of Arignar Anna Zoological Park,
Office at Vandalur, Chennai - 600 048.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to include the name of the petitioners in the State wide Seniority list in the light of the order passed in G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013 and G.O.(2PA) No.13, Environment and Forest Department dated 22.06.2018 and on the basis of the communication dated 26.07.2016 and 25.05.2017 so as to enable the petitioners to get their service regularized in the time

scale post of Plot Watcher (Supernumerary) within a time frame.

For Petitioners : Mr.Chellapandian
Standing Counsel
for Mr.S.Mani

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents 1 and 2 to include the name of the petitioners in the State wide Seniority list in the light of the orders passed in G.O.Ms.No.202, Environment and Forest Department dated 18.12.2013, G.O.(2PA) No.13, Environment and Forest Department dated 22.06.2018 and on the basis of the communication dated 26.07.2016 and 25.05.2017, so as to enable the petitioners to get their service regularized in the time scale post of Plot Watcher (Supernumerary) within a time frame.

2.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioners is that the petitioners joined the services of the Forest Department on daily wage basis as Mazdoor on various dates between 2000 to 2007. During the years 1999 and 2003, 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 names of the petitioners were not been included. On 07.08.2009, 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 petitioners because their names were 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 petitioners were not included in the State wide Seniority list. For which the petitioners had jointly submitted a representation on 22.06.2018 to the respondents. However, till date the representation of the petitioner was not considered. For which the petitioners have come out with the present Writ Petition.

4.The learned counsel for the petitioners would submit that the non-inclusion of the names of the petitioners in the State wide Seniority list is the only reason for the petitioners 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 petitioners and pass orders on the same.

5.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 petitioners dated 22.06.2018 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.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.Government of Tamil Nadu,
Represented 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 Additional Principal Chief Conservator of Forest
and Director of Arignar Anna Zoological Park,
Office at Vandalur, Chennai - 600 048.

+1cc to Mr.S.Mani, Advocate SR.83403
+1cc to Special Government Pleader SR.83871

W.P.No.28706 of 2019

VGI (CO)
CB(29/11/2019)