

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.Nos.28216 & 28218 of 2019

M.Karuppaiyan

... Petitioner in
W.P.No.28216 of 2019

D.Kuppan

... Petitioner in
W.P.No.28218 of 2019

Vs.

1.The State of Tamil Nadu,
rep., by its Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai.

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

... Respondents

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 and promote the petitioners as Forest Watchers with effect from the date of their juniors' promotion by considering the petitioners representation dated 07.03.2019 and 06.05.2019 respectively in the light of the order 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, W.A.No.607 of 2010 dated 20.03.2010 and first respondent in his Government Letter No.19683/FR 2(II)/2016-4 dated 3.3.2017 with all consequential benefits.

In both W.Ps.

For Petitioner

: Ms.K.Jenitha

For Respondents

: Mr.M.Elumalai

Government Advocate.

O R D E R

By consent, these writ petitions are taken up for final disposal at the admission stage itself.

2.The petitioners joined service on 01.06.1984 and 01.02.1985 respectively as plot watchers on a daily wage basis. While so, in the year 1994, the Government issued G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994, imposing a new condition to pass in S.S.L.C for holding regular post of Forest Watcher. After rendering two decades of service, the petitioners were selected for appointment to the post of Forest Watcher in the regular time scale of pay on 07.08.2009 and 05.05.2017 respectively. While so, aggrieved by the said G.O.Ms.No.332, those who were unqualified, have challenged the said G.O., before the Administrative Tribunal in O.A.No.197 of 1995 and stay was granted in favor of the petitioners therein. Even though, the petitioners possess required qualifications, the petitioners were not appointed as Forest Watchers in the regular time scale of pay in the the year 1995 along with 425 others, by virtue of interim stay granted by the tribunal. Pending O.A., the Government restored the qualification of ability to read and write instead of pass in S.S.L.C by G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999. Thereafter, the Government issued G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 for preparation of State Wide Seniority List, in which the petitioners names were not included. However, their juniors who have joined after the petitioners were appointed on promotion as Forest Watcher and further promoted as Forest Guard also. Thereafter, the Government issued G.O.Ms.No.22, Personnel and Administrative Department, dated 28.02.2006 for regularizing the service of daily wages employees/consolidated pay employees/honorarium employees on completion of 10 years of their services. Though, based on the above G.O., many employees in various departments of the Tamilnadu Government were regularized on completion of 10 years of service, the petitioners and similarly placed persons were not regularized on completion of 10 years of service. Therefore, the petitioners made representation to the respondents on 07.03.2019 and 06.05.2019 to consider their claim of retrospective appointment to the post of Forest Watcher with effect from the date of their junior's retrospective appointment on promotion as Forest Watcher. Since, their

representations have not been considered till date, the petitioners have filed the present petition.

3.Heard the submissions of Ms.K.Jenitha, learned counsel for the petitioners and Mr.M.Elumalai, learned Government Advocate, appearing for the respondents.

4.Ms.K.Jenitha, learned counsel for the petitioners submitted that though the petitioner has sought for a larger relief, it would suffice if a direction is issued to the 2nd respondent to consider the representation of the petitioners dated 07.03.2019 and 06.05.2019 and pass orders within a stipulated time as fixed by this Court.

5.The learned Government Advocate conceded to the request made by the learned counsel for the petitioners.

6.Thus, without going into the merits of the case, this Court is inclined to issue direction to the 2nd respondent to consider the representation of the petitioners dated 07.03.2019 and 06.05.2019 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 stands disposed of. No costs.

Sd/-

Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai.

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

+1 cc to Spl Government Pleader(Forest) Sr.No. 82018

+1cc to M/s.K.Jenitha , Advocate SR.No. 82251

+1cc to M/s.K.Jenitha ,Advocate SR.No.82252(26/11/2019)

W.P.Nos.28216 & 28218 of 2019

A.SK(30/10/2019)