

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.09.2019
CORAM
THE HON'BLE Mr.JUSTICE M.DHANDAPANI
W.P.No.28376 of 2019

S.Ravichandran

... Petitioner

Versus

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.
 - 2.The Principal chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai-15.
 - 3.The District Forest Officer,
Nilgiris South Division,
Udagai.
- Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the second respondent to include the petitioner's name in the Statewide Seniority List as on 01.04.1989 and to appoint him as Forest Watcher with effect from the date of his junior's appointment with all consequential benefits as per the recommendation made by the third respondent.

For Petitioner : Mr.K.Jenitha
For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner praying for the issuance of writ of mandamus directing the second respondent to include the petitioner's name in the statewide

Seniority List as on 01.04.1989 and to appoint him as Forest Watcher with effect from the date of his Junior's appointment with all consequential benefits as per the recommendation made by the third respondent.

2. The case of the petitioner is that he was initially appointed as Plot Watcher on 01.04.1989 at Nilagiri South Division and he has been working as Supernumerary Anti Poaching Watcher for about 27 years. While so, the Government issued G.O.Ms.No.64, Environment and Forests Department, dated 08.03.1999, directing the department to prepare State Wide Seniority List of Social Forestry Workers / Plot Watchers working in the Forest Department for the purpose of promoting them to the regular post according to their seniority as and when vacancy arises. Consequently, all the District Forest Officers were instructed to send the service details of the Plot Watchers / Social Forestry Workers working in the concern Districts for inclusion of their names in the Statewide Seniority List up to the year 1993.

3. According to the petitioner, his service particulars along with his representation were submitted to the second respondent. However, there was no reply from the second respondent. In the mean time, on 07.08.2009 the Government issued G.O.Ms.95, Environment and Forests Department based on the G.O.Ms.22 P & A.R. Department, ordering regularisation of the services of all the Social Forestry Workers / Plot Watchers whose names were included in the State Wide Seniority List. The grievance of the petitioner is that he approached the third respondent and requested him to include his name in the State Wide Seniority list so that his services can be regularised. Thereafter, the petitioner made representation on 25.07.2016 and as there was no reply, the petitioner was constrained to approach this Court by filing W.P.No.29373 of 2016. This Court while disposing of the said representation by order dated 20.09.2016, directed the second respondent therein to consider the representation being made by the petitioner afresh within a period of six weeks. Thereafter, the petitioner made representation on 07.11.2016, requesting the second respondent to include his name in the statewide seniority list as on 01.04.1989. However, the second respondent has not passed any orders which prompted the petitioner again to approach this Court by filing the present Writ Petition.

4. The learned counsel for the petitioner would submit that it would suffice to issue direction to the respondents to dispose of the representation in accordance with law.

5. Considering the facts and circumstances of the case, this Court already directed the second respondent to consider the claim of the petitioner and pass appropriate orders. However, despite the representation made by the petitioner on 07.11.2016 along with the service particulars, the second respondent has not passed any orders so far. Therefore, the second respondent is directed to consider the representation of the petitioner made on 18.02.2019 and dispose of the same by passing appropriate orders in accordance of law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.
- 2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai-15.
- 3.The District Forest Officer,
Nilgiris South Division,
Udagai.

+1cc to Special Government Pleader(F) sr.82602

+1cc to Mr.K.Jenitha, Advocate sr.82851

W.P.No.28376 of 2019

PA(co)
nr 21/11/2019