

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 31606 of 2019

and

WMP.No.31809 of 2019

1.M.Sivakumar

2.D.Karthick

3.M.Munivel

4.M.Mahendran

5.K.Sivakumar

... Petitioners

Versus

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 Forest,
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.

3. The Additional Chief Conservator of Forest,
Dharmapuri Circle,
Dharmapuri.

4. The District Forest Officer,
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 2 to include the name of the petitioners in the State Wide Seniority List as Anti Poaching Watcher as on 01.01.2019 as was done in the case of similarly placed Anti Poaching Watcher so as to enable the petitioners to get their services regularized in the time scale of pay as Plot Watcher (Supernumerary) by considering their representation dated 21.10.2019 within a time limit that may be stipulated by this Court.

For Petitioners: Mr.S.Mani

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

ORDER

This Writ petition has been filed seeking to direct the respondents 1 to 2 to include the name of the petitioners in the State Wide Seniority List as Anti Poaching Watcher as on 01.01.2019 as was done in the case of similarly placed Anti Poaching Watcher so as to enable the petitioners to get their services regularized in the time scale of pay as Plot Watcher (Supernumerary) by considering their representation dated 21.10.2019 within a time limit that may be stipulated by this Court.

2.The learned counsel for the petitioners submitted that the petitioners are serving as Anti Poaching Watchers within Dharmapuri Forest Division and Circle for a long number of years on consolidated monthly pay basis without their service being regularised. The petitioners are only paid consolidated pay till date.

3.The contention of the petitioners is that there were vacancies in the post of Plot Watchers and Social forestry Workers in the Forest Department. Most of the employees in the posts were not sponsored by the employment exchange. But to regularize their service, the Government has issued G.O.Ms.No.64, Environment and Forest (FR.2) Department dated 08.03.1999 with a direction to prepare a State Wide seniority list of Plot Watches and Social Forestry Workers by the Head of the Department on the basis of the date of entry into the service, which will form the basis for regularisation of their service.

4.The petitioners further submitted that there were nearly 1328 plot watchers and 155 Social Forestry workers in the State Wide Seniority List however, their names were not included in the list, with the result, the promotion opportunity to the petitioners has been affected. In the meantime, the Government issued G.O.Ms.No.22 P&AR Department, dated 28.02.2006 directing to regularise the service of the daily wage basis who have rendered ten years of service in the daily wage employment. Seeking to implement the said G.O. Ms. No.22, the Association of Plot Watchers and Social Forestry Workers filed W.P. No. 20638 of 2019 before this Court for implementation of G.O. Ms. No.22 and this Court by order dated 25.08.2008 issued direction to the Government to pass orders on the proposals of Principal Chief Conservator of Forests dated 30.01.2009.

5.Further, the learned counsel for the petitioners submitted that the second respondent herein has also prepared a provisional State wide Seniority List of 1119 Anti Poaching Watchers as on 01.01.2019, in which the petitioners name have been omitted even though they have completed long years of service. At the same time, the names of the persons, who have completed just one month of service, has also been included in the list. In this circumstances, the petitioners made representation dated 21.10.2019 to the respondents. Since, no action has been taken, this Writ petition came to be filed.

6.On the above contention, this Court heard the learned Government Advocate appearing for the respondents and perused the records.

7.Admittedly, the petitioners are working on daily wage basis for long number of years of service. Their grievance is that their names have not been included in the State Wide Seniority list and unless their names are included, they cannot get their service regularized. Having regard to the above facts and circumstances of this case, without expressing any opinion on merits, I am inclined to issue a direction to the respondents 1 and 2 to consider the petitioners' representation dated 21.10.2019 and to pass orders thereon, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

klr
To

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

WEB COPY

2. The Principal Chief Conservator of Forest,
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.

3. The Additional Chief Conservator of Forest,
Dharmapuri Circle,
Dharmapuri.

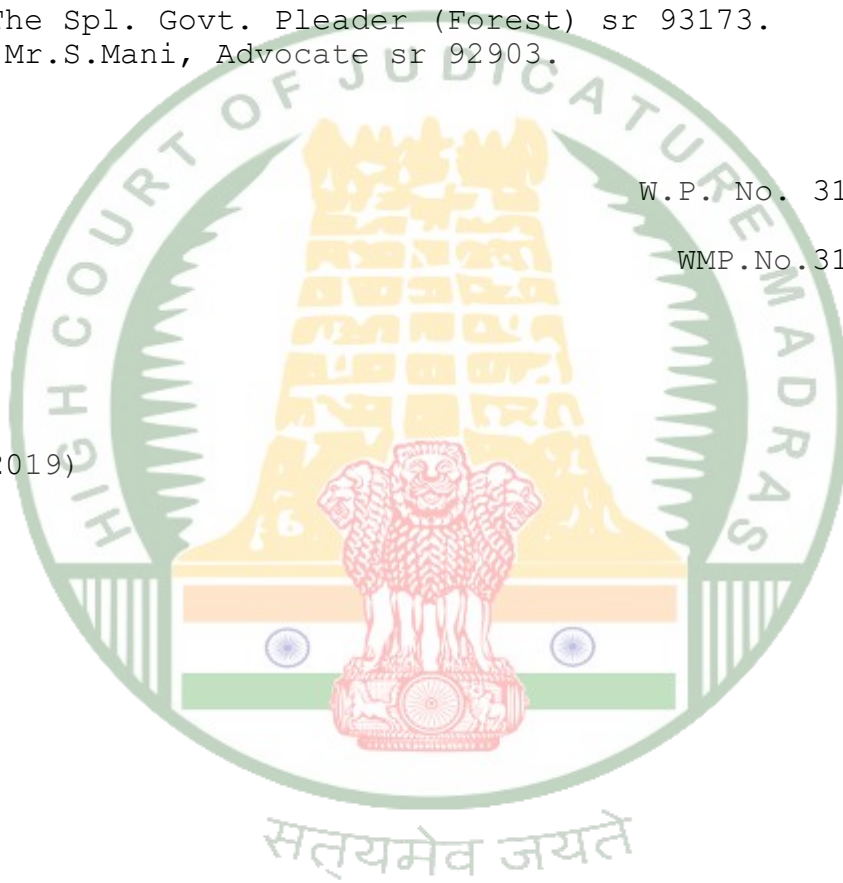
4. The District Forest Officer,
Dharmapuri.

+1 CC to The Spl. Govt. Pleader (Forest) sr 93173.

+2 CCS to Mr.S.Mani, Advocate sr 92903.

W.P.No. 31606 of 2019
and
WMP.No.31809 of 2019

CA (CO)
SP (03/12/2019)



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