

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32022 OF 2019

AND

WMP.NO.32269 OF 2019

1. M.Thirumaran
2. A.Ramasamy
3. T.Varadarajan
4. A.Mayavan
5. K.Jayaraman
6. V.Periyasamy
7. P.Venkatesan
8. B.Govindan
9. R.Mani
- 10.K.P.Lakshmanan
- 11.P.Prakasam
- 12.M.Palanisamy

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

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or order or direction or any other appropriate order in the nature of Writ of Mandamus, directing the respondents to order promotion to the petitioners as Forest Guard on par with their juniors with effect from 31.5.2004 in the light of the order passed in W.P. No. 15726 of 2015 dated 27.4.2016 and in the light of the proceedings of the 2nd respondent dated 10.10.2014 considering the representation dated 10.6.2019 of the petitioners with the time limit to be stipulated by this Court.

For Petitioner
For Respondents

:Mr.S.Mani
:Mr.M.Elumalai, Government Advocate

O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal today at the stage of admission itself.

2. The prayer sought for by the petitioner is to direct the respondents to order promotion to the petitioners as Forest Guard on par with their juniors with effect from 31.5.2004 in the light of the order passed in W.P. No. 15726 of 2015 dated 27.4.2016 and in the light of the proceedings of the 2nd respondent dated 10.10.2014 and consider the representation dated 10.6.2019 of the petitioners within a time limit as stipulated by this Court.

3. The case of the petitioner is that the petitioners have joined as Plot Watchers on daily wage basis on various dates between the year 1981 and 1985. Then state wise seniority list drawn in which the names of the petitioners were included. Subsequently, the services of the juniors to the petitioners were regularized in the cadre of Forest Watcher in the year 1995 and subsequently, they were given further promotion to the post of Forest Guard in the year 2004. The services of the petitioners were regularized in the cadre post of Forest Watcher between the year 2003 and 2012 and promoted as Forest Guard in the year 2012. The petitioners filed Writ Petitions in W.P.Nos. 1011 of 2014, 1008 of 2014 and 22776 to 22787 of 2014 to regularize their service in the cadre post of forest watcher on par with their juniors and the same was allowed by this Court vide orders dated 10.01.2014 & 22.08.2014. Consequent to the orders of this Court, the 2nd respondent passed orders regularising the services of the petitioners notionally in the cadre of forest watcher on par with their juniors w.e.f. 24.01.1995, but they were denied the promotion to the post of forest guard on par with juniors. In the similar circumstances, the similarly placed persons like the petitioner have filed writ petition in W.P.No.15726 of 2015 and the same was allowed by this Court. Hence the petitioners made representation dated 10.06.2019 to the respondent seeking post of forest guard retrospectively on par with their juniors by including their name in the panel for the year 2003-2007 and to promote them as forest guard from 17.06.2014 on par with the juniors. However, no order has been passed till date, hence the present Writ Petition.

4. The learned counsel for the petitioners would submit that it would be suffice to issue direction to the second respondent to dispose of the representation dated 10.06.2019 on merits and in accordance with law.

5. Mr.M.Elumalai, Government Advocate, learned counsel for the respondents agreed to dispose of the representation dated 10.06.2019 within a reasonable time.

6. 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 second respondent to dispose of the representation dated on 10.06.2019 on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu,
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.

+12ccs to Mr.S.Mani, Advocate, S.R.No.94017

+1cc to the Special Government Pleader(Forest), S.R.No.94046

सत्यमेव जयते

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and WMP.No.32269 of 2019

SV(CO)
CS/10/02/2020

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