

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32457 of 2019

K.Sivaguru

.. Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.
3. The Additional Chief Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.
4. The District Forest Officer,
Dharmapurai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to include the name of the petitioner 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 petitioner to get his service regularized in the time scale of pay as Plot Watcher (Supernumerary) by considering his representation dated 21.10.2019 within a time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.Chellapandian
Senior Counsel
for Mr.S.Mani

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

This writ petition is filed seeking direction to the respondents to include the name of the petitioner in the State Level Seniority List of Anti-Poaching Watchers as on 01.01.2019 as was done in the case of similarly placed Anti-Poaching Watchers who were included in the said List and grant the benefits of regularization of services / regular employment, by considering their representation dated 21.10.2019.

2. The learned counsel for the petitioner submitted that the petitioner is serving as Anti Poaching Watcher within Dharmapuri Forest Division and Circle for a long number of years on consolidated monthly pay basis. He was paid only the consolidated pay till date without any security of tenure of service.

3. The contention of the petitioner is that there were 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 for preparation of State wide seniority list of Plot Watchers and Social Forestry Workers by the Head of the Department.

4. The petitioner further submitted that there were nearly 1328 plot watchers and 155 Social Forestry workers in the State Wide Seniority List and if they were included in the list, the promotion opportunity to the petitioner will be affected. In the meantime, the Government issued G.O.Ms.No.22 P&AR Department, dated 28.02.2006 granting regularization to the employees who were working on daily wage basis for more than 10 years in the Department. The Service Association of Plot Workers and Social Forestry Workers filed W.P.No.20638 of 2019 before this Court for regularization on the basis of the G.O., and this Court by order dated 25.08.2008 passed a directions 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 petitioner submitted that the second respondent herein has also prepared a provisional State Level Seniority List of 1119 Anti Poaching Watchers as on 01.01.2019, in which the petitioner name has been omitted even though he has completed long years of service and the names of the persons who have completed just one month of service, has also been included in the list. In this circumstances, the petitioner made representation dated 21.10.2019 to the respondents. Since, no action has been taken, this writ petition came to be filed.

6.Considering facts and circumstances of this case, without expressing any opinion, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 21.10.2019, if not disposed already 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.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Government of Tamilnadu,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests
Office at Panagal Maligai,
Saidapet, Chennai - 600 015.
- 3.The Additional Chief Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.
- 4.The District Forest Officer,
Dharmapurai.

+1 CC to Mr.S.Mani, Advocate sr 96197

+1 CC to The Spl. Govt. Pleader(Forest) sr 95833.

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NMI (CO)
SP(09/12/2019)