

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33515 of 2019

R.Elumalai

... Petitioner

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

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint and promote the petitioner as Forest Watcher with effect from the date of their juniors' promotion by considering the petitioner's representation dated 07.06.2018 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.24184/FR 2(II)/2017-1 dated 14.05.2018 with all consequential benefits.

For Petitioner : Mr.M.Sarath Kumar

For Respondents : Mr.M.Elumalai, G.A.

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O R D E R

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

2.The petitioner joined service on 10.11.1983 as Plot Watcher 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 petitioner was selected for appointment to the post of Forest Watcher in the regular time scale of pay. 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 petitioner was 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 petitioner and similarly placed persons were not regularized on completion of 10 years of service. Therefore, the petitioner made representation to the respondents on 04.06.2018 to consider his claim of retrospective appointment to the post of Forest Watcher with effect from the date of his junior's retrospective appointment on promotion as Forest Watcher. Since, his representation has not been considered till date, the petitioner has filed the present petition.

3.Heard the submissions of Mr.M.Sarath Kumar, learned counsel for the petitioner and Mr.M.Elumalai, learned Government Advocate, appearing for the respondents.

4.Mr.M.Sarath Kumar, learned counsel for the petitioner 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 petitioner dated 07.06.2018 and pass orders within a stipulated time fixed by this Court.

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

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 petitioner dated 04.06.2018 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(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.

+1cc to Mr.M.Sarath Kumar, Advocate, S.R.No.100524
+1cc to the Special Government Pleader, S.R.No.99742

W.P.No.33515 of 2019

CS/31/12/2019

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