

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33220 of 2019

A.Murugesan

.. Petitioner

Vs.

1.The Government of Tamilnadu,
represented by Principal Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai- 600 009.

2.The Principal Chief Conservator of Forests
and head of the Forest Department,
Chennai - 600015.

3.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.

4.The District Forest Officer,
Dharmapuri Forest Division,
Dharmapurai.

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent herein 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 02.08.2019.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.M.Elumalai
Government Advocate

ORDER

This writ petition is filed seeking direction to the 2nd respondent 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 02.08.2019.

2.The learned counsel for the petitioner submitted that the petitioner was serving as Anti Poaching Watchers in Palacode, Hogenakkal and Pennagarm Forest Ranges within Dharmapuri Forest Division and Circle for a long number of years on consolidated monthly pay basis. They were paid only the consolidated pay till date without any security of tenure of service.

3.The contention of the petitioner is that there was a 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 Watches 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 she 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 02.08.2019 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 2nd respondent to consider the petitioner's representation dated 02.08.2019, 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. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rka

To

- 1.The Principal Secretary to Government,
Government of Tamilnadu,
Environment and Forest Department,
Secretariat,
Chennai- 600 009.
- 2.The Principal Chief Conservator of Forests
and head of the Forest Department,
Chennai - 600015.
- 3.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.
- 4.The District Forest Officer,
Dharmapuri Forest Division,
Dharmapurai.

+1cc to Mr.R.Thamarai Selvam, Advocate SR.98868
+1cc to the Spl Government Pleader(Forest), SR.99187

W.P.No.33220 of 2019

PVS (CO)
CB(30/12/2019)

सत्यमेव जयते

WEB COPY