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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8551 of 2019

N.Pitchai

... Petitioner

vs.

1.The Government of Tamilnadu,
Represented by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai.

2.The Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.

3.The District Forest Officer,
Tirunelveli District,
Tirunelveli.

4.The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai.

... 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 the petitioner as regular time scale Forest Watcher taking into account of his seniority and qualification on par with his juniors in the light of orders passed in W.P.No.31416 of 2013 dated 21.11.2013 WP.No.41094 of 2015, dated 05.01.2016 and WP.No.2858 of 2016 dated 28.01.2016 and the proceedings of respondents 1 to 3, dated 13.02.2017, 21.04.2017 & 15.05.2017 and confer all consequential benefits by considering the petitioner's representation, dated 18.03.2019.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.V.Anand
Government Advocate
for R1 to R3

: Mr.P.Gunasekaran
for R4

**ORDER**

The Writ Petition is filed seeking a direction to the respondents to appoint the petitioner as regular time scale Forest Watcher, taking into account of his seniority and qualification on par with his juniors, in the light of the orders passed in W.P.No.31416 of 2013 dated 21.11.2013, W.P.No.41094 of 2015, dated 05.01.2016 and WP.No.2858 of 2016 dated 28.01.2016 and the proceedings of respondents 1 to 3, dated 13.02.2017, 21.04.2017 & 15.05.2017 and confer all consequential benefits, by considering the petitioner's representation, dated 18.03.2019.

2. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate, who takes notice for the respondents 1 to 3 and the learned Counsel, who takes notice for the fourth respondent. By consent, the writ petition is taken up for disposal.

3. The case of the petitioner is that he was appointed as Plot Watcher on 01.01.1982 on daily wages basis and his service was regularised on 20.01.2005 and thereafter he was promoted as forest guard on 14.02.2010. Subsequently, he retired from service on 30.04.2015. The grievance of the petitioner is that he was promoted as forest guard only on 14.02.2010. However, in the light of G.O.Ms.No.64, dated 08.03.1999, most of his juniors were promoted. Hence, he made a representation dated 18.03.2019 to the respondents seeking notional promotion. However, the same has not been considered so far. Therefore, the petitioner approached this Court by filing this Writ Petition.

4. The learned Counsel appearing for the petitioner submitted that a similar issue has already been decided by this Court in W.P.No.31416 of 2013 dated 21.11.2013, W.P.No.41094 of 2015, dated 05.01.2016 and WP.No.2858 of 2016 dated 28.01.2016. Hence, he prayed for appropriate orders.

5. The learned Counsel appearing for the respondents submitted that the representation of the petitioner would be considered by the respondents on merits, within a time frame as fixed by this Court.

6. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned Counsel on either side, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 18.03.2019 and pass appropriate orders on merits and also in the light of the orders passed by this Court in W.P.No.31416 of 2013 dated 21.11.2013, W.P.No.41094 of 2015, dated 05.01.2016 and WP.No.2858 of 2016 dated 28.01.2016, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7.The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Principal Secretary to Government,
Government of Tamilnadu,
Forest and Environment Department,
Fort St. George, Chennai.

2.The Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.

3.The District Forest Officer,
Tirunelveli District, Tirunelveli.

4.The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai.

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.60689

+1CC TO MR.M.SOLAISAMY, Advocate Sr. No. 60051

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 60777

W.P (MD) No.8551 of 2019
10.04.2019

KG (CO)

TR (02.05.2019) 3P 8C