



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P(MD)No.8688 of 2019

M.Nagaraj

... 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.

3.The District Forest Office,
Kodaikanal Forest Division,
Kodaikanal, Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to appoint and promote the petitioner as Forest Watcher with effect from the date of his juniors appointment and promotion by considering the petitioner's representation, dated 22.03.2018, 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 29.03.2010 and Government letter of the first respondent dated 03.03.2017 with all consequential benefits.

For Petitioner : Ms.K.Jenitha
For Respondents : Mrs.J.Padmavathy Devi
Special Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, directing the respondents appoint and promote the petitioner as Forest Watcher with effect from the date of his juniors appointment and promotion by considering the petitioner's representation, dated 22.03.2018, 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 29.03.2010 and the Government letter of the first respondent dated 03.03.2017 with all consequential benefits.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he joined the service as Plot Watcher on 10.09.1984 and he was working continuously for more than 25 years as such. He was brought under the regular time scale of pay on 07.08.2009. According to the petitioner, G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 was issued, relaxing the qualification from SSLC to the persons, who have ability to read and write in Tamil. Accordingly, a State Wide Seniority List was prepared, in which, the petitioner was placed in Serial No.3688. But the same was not followed in letter and spirit. In this regard, the petitioner has submitted a representation on 22.03.2018 to the respondents, which has not been considered so far. Hence, the petitioner has filed the present Writ Petition.

4. The learned counsel on either side submitted that the subject matter in issue has been considered in detail and ultimately determined by the Division Bench of this Court vide Judgment dated 27.03.2018 in W.A(MD)Nos.51 of 2018 and etc. batch of cases, wherein at paragraph No.31(v) it is held as follows:-

"So far as W.P(MD)No.6678 of 2017 is concerned, though the petitioner seeks for promotion to the post of Plot Watcher, the same is a misnomer as it is not a promotion, but absorption in the post of Forest Watcher. Therefore, whatever the relief granted to the other petitioner, shall enure in favour of this petitioner also and the Writ Petition stands disposed of accordingly."

5. Following the aforesaid Judgment, this Writ Petition stands disposed of directing the respondents to consider the claim of the petitioner and pass appropriate order, in line with the Judgment dated 27.03.2018 in W.A.(MD)No.51 of 2018 etc. batch of cases, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

Rj2

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.

3.The District Forest Office,
Kodaikanal Forest Division,
Kodaikanal, Dindigul District.

+1CC TO MR.K.JENITHA, Advocate Sr. No. 60301

W.P(MD)No.8688 of 2019
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SCR(CO)
TR (06.05.2019) 3P 5C