



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE. R. MAHADEVAN

W.P (MD) No.6783 of 2017

V. Karuppaiah

... 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,
Trichy Division,
Court Campus, Trichy - 1.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to promote the petitioner as Forest Watcher with effect from the date of his juniors promotion by considering the petitioner's representation, dated 18.10.2014 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 proceedings of the second respondent, dated 07.01.2011 with all consequential benefits.

For Petitioner : Ms.K.Jenitha

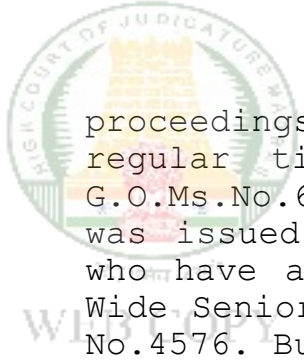
For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, directing the respondents to promote the petitioner as Forest Watcher with effect from the date of his juniors promotion by considering the petitioner's representation, dated 18.10.2014 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 proceedings of the second respondent, dated 07.01.2011 with all consequential benefits.

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

3. The case of the petitioner is that he was appointed as Social Forestry Worker on 19.03.1986 through Employment Exchange and by



proceedings, dated 30.04.2014, the petitioner was brought under the regular time scale of pay on 01.08.2014 and in this regard, 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, he was placed in Serial No.4576. But the same was not followed in letter and spirit. In this regard, the petitioner has submitted a representation on 18.10.2014 to the respondents, which has not been considered so far. Hence, the petitioner has filed the present Writ Petition.

4.Dealing with the subject matter, in detail, the Division Bench of this Court has passed an order on 27.03.2018 in W.A(MD) Nos.51 of 2018 and etc batch cases, analysing all the corresponding G.Os in the Judgment and ultimately, observed in paragraph No.31(v) 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.Agreed with the same, this Writ Petition stands disposed of in similar line. No costs.

Sd/-

Assistant Registrar(cs-I)

/True Copy/

Sub Assistant Registrar

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,
Trichy Division,
Court Campus, Trichy - 1.

+1cc to Mr.K.Jenitha, Advocate, SR.No.49820

+1cc to Special Government Pleader, SR.No.50102