



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P. (MD) No.6644 of 2016

I.Ponnu

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Principal Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
No.1, Jennis Road, Panagal Building,
Saidapet, Chennai - 600 015.

3.The Wild Life Warden / District Forest Officer,
Grizzled Squirrel Wild Life Sanctuary,
Srivillipiuthur, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner as appointed as a Forest Watcher on 24.01.1995 on par with other juniors and pay all other benefits within the stipulated period.

For Petitioner : Mrs.K.Malathi

For Respondents : Mr.V.Anand

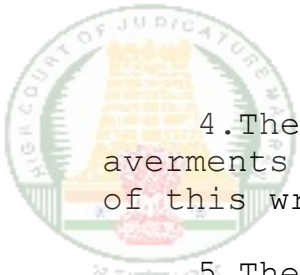
Government Advocate

ORDER

Seeking for a direction to the respondents to consider the petitioner, who was appointed as a Forest Watcher on 24.01.1995, on par with other juniors and pay all other benefits within the stipulated period, the present writ petition has been filed.

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

3.The case of the petitioner is that the petitioner was initially appointed as "Plot Watcher" in the Forest Department on 13.06.1983 on daily wage basis and served in the said capacity till 13.12.2008. Subsequently, the petitioner's service was regularised in the post of Forest Watcher vide order dated 27.02.1999 with effect from 13.12.2008 and he retired from service on attaining the age of superannuation. However, he has not been considered on par with other juniors and the benefits payable to him have not been disbursed. Hence, this writ petition.



4.The respondent filed a counter affidavit denying the averments made by the petitioner in the affidavit filed in support of this writ petition.

5.The learned Counsel for the petitioner submitted that the issue involved in this writ petition is covered by the order of this Court in W.P.No.1008 of 2014, dated 10.01.2014 and hence, he prayed for similar relief to the petitioner herein also.

6.The learned Government Advocate appearing for the respondent is not disputing the same.

7.At this juncture, it is useful to refer to the relevant portion of the order of this Court, in W.P.No.1008 of 2014, dated 10.01.2014, which is extracted hereunder:

"5.Counsel for the petitioners submits that the issue is covered by the decision of this Court made in W.P.No.32498 of 2013, dated 28.11.2013 (A.Gopalakrishnan and 12 others vs Govt, of Tamilnadu, Forest & Environment Dept, and another), wherein, this Court has held as follows:

"The issue involved in this writ petition is already settled by this Court in W.A.No.607 of 2010, dated 20.03.2010 and W.P.No23374 of 2008, dated 30.10.2009. In view of that, the writ petition is allowed directing the respondents to appoint the petitioner in the regular time scale of Forest Watcher by taking into account of their seniority and qualification on par with their juniors and in the light of the earlier orders of this Court, within a period of sixteen weeks from the date of receipt of a copy of this order. No costs."

6.In view of the above, the writ petition is allowed, directing the respondents to appoint the petitioners in the the regular time scale of Forest Watcher by taking into account of their seniority and qualification on par with their juniors, in the light of the earlier orders of this Court, within a period of six weeks from the date of receipt of a copy of this order. No costs."

8.Following the same, this writ petition is disposed of, directing the respondents to appoint the petitioner in the regular time scale of Forest Watcher by taking into account of his seniority and qualification on par with his juniors, in the light of the earlier orders of this Court, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar (CS)



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To

- 1.The Principal Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
No.1, Jennis Road, Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The Wild Life Warden / District Forest Officer,
Grizzled Squirrel Wild Life Sanctuary,
Srivillipiuthur, Virudhunagar District.

+1CC TO MR.K.MALATHI, Advocate Sr. No. 54039

ORDER MADE IN
W.P. (MD) No.6644 of 2016
14.03.2019

TR (23.04.2019) 3P 5C