



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.16127 of 2014

M.Manimurugan

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Forest Department,
Fort St. George,
Chennai-600009.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
- 3.The Divisional Forest Officer,
Office of the Divisional Forest Office,
Salai Road, Trichy.
- 4.The Forest Ranger,
Social Forest Range,
Thuraiyur, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of impugned order made in Se.Mu.Aa.No.3279/L13, dated 12.02.2014 issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to appoint the petitioner as a Plot Watcher (தோட்டக்காவலர்) per the judgment dated 29.04.2011 made in W.A.No.887 of 2010.

For Petitioner : Mr.P.Arunjayatram

For Respondents : Mr.S.Dhayalan
Government Advocate



ORDER

The order, dated 12.02.2014, rejecting the claim of the writ petitioner for appointment to the post of Plot Watcher in Forest Department, is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner was appointed as Social Forest Worker at Forest Range Office, Social Forest, Kulithalai, as a daily wages employee on 21.03.1985 and he served as a Social Forest Worker till 07.09.1989. Subsequently, the Government decided to transfer Social Forest created by Forest Department to the charge of Rural Development Department. The writ petitioner mainly relied on the order passed by the Hon'ble Division Bench of this Court, dated 29.04.2011 in W.A.No.887 of 2010. Relying on the said judgments, the learned counsel for the writ petitioner states that the case of the writ petitioner is also to be considered for absorption in the post of Plot Watcher on regular basis.

3.The learned Government Advocate appearing on behalf of the respondents states that even at the time of passing of the impugned order dated 12.02.2014, the petitioner had not served in the department and he had served before 23 years. This apart, on instructions, the learned Government Advocate informed the Court that now the writ petitioner has been working in the State of Kerala for the past many years. Thus, his case cannot be considered with reference to the orders passed by the Hon'ble Division Bench of this Court in W.A.No.887 of 2010.

4. The learned counsel for the writ petitioner also states that he is unable to secure instructions in this regard from the writ petitioner. The learned counsel for the writ petitioner is not sure whether the writ petitioner is working in the State of Kerala or he is residing in Trichirappalli District and in the writ petition, the address stated in the affidavit is that the petitioner is residing in Ayyanar Koil Salakadu, Alagapuri Post, Woraiyur Taluk, Trichy District. When such a doubt has been raised, the learned counsel for the writ petitioner is unable to establish whether the writ petitioner is residing in Trichy or working in the State of Kerala. Therefore, this Court is of the opinion that the relief as sought for to appoint the petitioner as Plot Watcher cannot be granted. However, the respondents shall verify the service records of the writ petitioner and if he is otherwise eligible in accordance with the terms and conditions stipulated in the order of the Hon'ble Division Bench, the same shall be extended. In the absence of eligibility, the case of the writ petitioner cannot be considered. Thus, the respondents shall verify the service records once again and find out whether the writ petitioner has served in the department and eligible to be enlisted in the service records or not.



5. With these clarifications, the writ petition stands disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Forest Department,
Fort St. George,
Chennai-600009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
3. The Divisional Forest Officer,
Office of the Divisional Forest Office,
Salai Road, Trichy.
4. The Forest Ranger,
Social Forest Range,
Thuraiyur, Trichy District.

+1 CC to M/s.SPL GP (SR-83981[F] dated 28/08/2019)

+1 CC to M/s.P.ARUN JAYATRAM, Advocate (SR-84015[F] dated 28/08/2019)

W.P. (MD) .No.16127 of 2014
27.08.2019

sjj

JMN(10.09.2019) 3P : 7C