

THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 124 OF 2013

A.Chandrasekaran

... Petitioner

- Vs -

1.State of Tamil Nadu rep. By
Secretary,
Forest Department,
Fort St.George,
Chennai 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai # 15

3.The Forest Ranger,
Social forests, Cheiyyar,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the Statewide Seniority list prepared as per G.O.(Ms) No.64 dated 08.03.1999 consequently appoint the petitioner as Plot Watcher as per G.O.Ms.No.95 dated 07.08.2009.

For Petitioner : Mr.M.R.Jothimaniyan

For Respondents : Mr.M.Ezhlumalai, GA

ORDER

The relief sought for in this writ petition is for a direction to the respondents to include the name of the petitioner in the State wide Seniority list prepared as per G.O.(Ms) No.64 dated 08.03.1999 and consequently appoint the petitioner as Plot Watcher as per G.O.Ms.No.95 dated 07.08.2009.

2. It is the case of the petitioner that he joined as Plot Watcher in the 3rd respondent range, in the year 1981 and thereafter, he was in continuous service. The Petitioner claims that from 1981 to 01.02.1986, he was continuously working and thereafter, transferred to the Social Forest Range Office at Cheiyyar. On 02.05.1993, when the Writ Petitioner was working in the Social Forest Range Office at Cheiyyar, the first respondent passed G.O.Ms.No.64, directing the 2nd respondent to prepare State wide seniority list among the temporary watchers for the purpose of regularizing their services. Thereafter, the Government issued G.O.Ms.No.65, Environment and Forests Department dated 08.03.1999, stating that the state wide seniority list in accordance with their date of joining will be maintained in respect of Plot watchers who were transferred from Forest Range Office to the Rural Development Department. Subsequently, the Government issued G.O.Ms.No.95, Environment and Forests Department dated 07.08.2009, stating that out of 5497 persons contained in the Statewide Seniority List, 3058 persons have to be given posting on regular basis. In order to remove the difficulties and keeping in view of the long pending demands of the Plot watchers and Village Social Forestry workers who are suffering without getting any benefit of regular permanent job even after working for several years on daily wage basis, it was ordered that, out of the remaining 3058 persons available in the statewide seniority list, those who have rendered a service of more than 10 years be appointed as Plot Watchers in the Supernumerary post created with a special scale of pay of Rs.2500-5000 with the grade pay of Rs.500 and their service be regularized from the date of issuance of the order. It is the further case of the petitioner that though the petitioner has served for more than 10 years the services of the petitioner was not regularized and made permanent as per G.O.Ms.No.95. Therefore, the present petition has been filed for regularisation.

3. Learned counsel appearing for the petitioner drew the attention of this Court to the decision of this Court in S.Anandan - Vs - State of Tamilnadu & others (WP. No.21091/2014, dated 30.10.2017), wherein, in identical circumstances, this Court has considered the case of the petitioners therein and passed favourable orders. Accordingly he prays for allowing this writ petition.

4. This Court heard the submissions of the learned counsel appearing for the respondent on the above contentions and perused the decision on which reliance has been placed by the learned counsel for the petitioner.

5. A perusal of the order passed in Anandan's case (supra) reveals that the issue therein is similar to the issue on hand.

It is clear that the issue in the present case is squarely covered by the decision in Anandan's case (supra), wherein, this Court observed as under:

"3. Accordingly, a large number of eligible persons who had completed 10 years of service as temporary Plot watchers, were brought under the regular establishment. Thereafter, the Government relaxed the qualification of 10 years of service also. Thus, it is clear that the persons who have served as temporary Plot watchers are brought under the regular establishment to the post as per their Statewide seniority list.

4. The learned Additional Advocate General appearing for the respondents made a submission that the permanent observation of these temporary employees into the regular establishment is subject to the acquisition of required qualifications by the employees under the rules. In this regard, this Court is of the opinion that fulfilling of the requisite qualification under the rules are certainly mandatory and the respondents are at liberty to verify the respective service records of this petitioner's and accordingly, issue appropriate orders.

5. Thus, the respondents are directed to consider the case of the writ petitioner in accordance with the Statewide seniority and by verifying his service records and qualifications and thereafter, issue appropriate orders within a period of 12 weeks from the date of receipt of copy of this order. "

6. Accordingly, this petition is disposed of in terms of the order aforesaid. The respondents are directed to consider the case of the writ petitioner in accordance with the state wide seniority and by verifying his service records and qualifications and thereafter, issue appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Forest Department,
Fort St.George,
Chennai 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai - 15.
- 3.The Forest Ranger,
Social forests, Cheiyyar,
Thiruvannamalai District.

+1cc to the Special Government Pleader Sr.25734

W.P. NO.124 OF 2013

mg[col]
srg 06/08/2020



WEB COPY