

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 12.02.2020	Delivered on 17.02.2020
---------------------------	----------------------------

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.1247 of 2020
and
WMP.No.1506 of 2020

M.Tamil Selvan

Petitioner

- Vs -

1. The Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-600 009.
 2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai-15.
 3. The Special Government Pleader (Forests),
No.23 & 24 Law Officer's Block,
2nd Floor, High Court Buildings,
Chennai-104.
 4. The Divisional Forest Officer,
Social Forestry Division,
Chengalpet Division,
Chengalpet Division, Chengalpet.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to regularise the service of the petitioner as Skilled Assistant from the date of initial appointment with all consequential service and monetary benefits.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents : Mr.Vijaynarayan
Advocate General
Asst. by Mr.M.Elumalai
Government Advocate

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to regularise the service of the petitioner as a Skilled Assistant and to grant him all the attendant benefits.

2. The case of the petitioner is that he was posted in the office of the Additional Government Pleader (Forest) in the year 1995 for assisting the Law Officers. The petitioner was continuously engaged and in the year 2010, the petitioner was designated as a Skilled Assistant and he is being paid monthly wages by the Office of the Chief Conservator of Forests.

3. The grievance of the petitioner is that the services of the petitioner was extended in the office of the Special Government Pleader (Forest) and all of a sudden, he has been prevented from getting into the office. The petitioner has also given a detailed representation to the respondents on 13.01.2020 seeking for regularisation of the service and the same was also not considered. Therefore, left with no other option, the present writ petition has been filed before this Court.

4. A detailed counter affidavit has been filed by the second respondent. It has been stated in the counter affidavit that the Special Government Pleader (Forest) had drawn up the allotment of work for the Liason Officer and Skilled Assistant on 11.12.2019 and the petitioner did not accept the same and he expressed his unwillingness to continue to work and he has left the office on his own. It is further alleged in the counter affidavit that the petitioner has indulged in some illegal activities, wherein, certain important bundles went missing in very sensitive cases and it also came to the notice that the petitioner was demanding money. A further stand has been taken to the effect that there is no such sanctioned post in the Government Pleader Office and the petitioner was only engaged in the Office of the Government Pleader to help the Forest Department in handling the cases before the High Court and that does not give any right to the petitioner to claim for regularisation, when he was not employed against any sanctioned post. The respondents have also taken a stand that neither G.O.Ms.No.22 nor G.O.Ms.No.74 will apply in the case of the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is not insisting for working only in the Government Pleader Office and he is willing to work anywhere as per the instructions of the Forest Department. The learned counsel further submitted that the petitioner has worked for a long time and at this stage, he cannot be left in lurch without employment. The learned counsel submitted that the

petitioner has given a detailed representation to the first and second respondents on 13.01.2020 and the same can be considered by the respondents and the petitioner can be posted at any place by regularising his services.

6. Per contra, the learned Advocate General appearing on behalf of the respondents submitted that the Government Pleader Office does not have any sanctioned post called as Skilled Assistant. The learned Advocate General submitted that the petitioner was allowed to assist in the Government Pleader Office only on an understanding with the Forest Department and that does not give any right to the petitioner to seek for regularisation of posting in the Government Pleader Office. The learned Advocate General submitted that there are certain serious complaints against the petitioner and therefore, it will not be in the interest of the Government Pleader Office to continue to engage the petitioner. The learned Advocate General concluded his arguments by submitting that if at all the petitioner wants to make any claim, he should only work out his remedy with the Forest Department.

7. This Court has carefully consider the submissions made on either side and the materials available on record.

8. It is clear from the records that the petitioner was allowed to assist the Government Pleader Office only based on an arrangement made with the Forest Department. The petitioner, as such, does not have any right to seek for regularisation in the Government Pleader Office. Admittedly, the petitioner is being paid the monthly wages only by the Forest Department. That apart, some serious allegations have been made against the petitioner and therefore, it will not be in the interest of the Government Pleader Office to continue to engage the petitioner. The Government Pleader Office deals with very important and sensitive cases and therefore, they cannot afford to engage the services of persons against whom they do not have confidence. Therefore, this Court cannot grant the relief sought for by the petitioner.

9. In the result, this writ petition is disposed of with a direction to the first and second respondents to consider the representation made by the petitioner on 13.01.2020 strictly in accordance with law and pass appropriate orders, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-600 009.
2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai-15.
3. The Special Government Pleader (Forests),
No.23 & 24 Law Officer's Block,
2nd Floor, High Court Buildings,
Chennai-104.
4. The Divisional Forest Officer,
Social Forestry Division,
Chengalpet Division,
Chengalpet Division,
Chengalpet.

+1cc to Mr.S.N.Kirubanandam, Advocate SR.No.12881

+1cc to Special Government Pleader (Forest) SR.No.13354

WP.No.1247 of 2020

GJ (CO)
GMY (28/02/2020)

सत्यमेव जयते

WEB COPY