

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2020

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.21931 of 2010

A.Panjan ... Petitioner

vs.

1. State of Tamil Nadu rep. by Secretary,
Forest Department,
Fort St. George, Chennai.

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

3. The Divisional Forest Officer,
Social Forests, Vellore.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the order in letter No.10599/FR-2/2010-2 dated 21.07.2010 Environment and Forests (FR-2) Department, passed by the first Respondent herein and quash the same and further direct the respondents to appoint the petitioner as Plot Watcher as per the order of this Court order in W.P.No.19864 of 2009 dated 23.3.2010

For Petitioner : Mr.K.M.Ramesh

For Respondents: Mr.Prabhu, Addl.Govt.Pleader (Forest)

O R D E R

I heard Mr.K.M.Ramesh, the learned counsel for the Petitioner and Mr.Prabhu, the learned Additional Government Pleader for the Respondents (Forest Department).

2. The learned counsel for the Petitioner submitted that the services of the Petitioner were engaged from 01.08.1979 onwards in three spells. The first spell of employment was between 01.08.1979 and 30.03.1982, the second spell between 01.06.1982 and 31.08.1986; and the third spell between 01.06.1992 and 30.09.1996. Accordingly, as per the order dated 23.03.2010 in W.P.No.265 of 2009 batch of cases, the Petitioner is entitled to regularization. In support of his submission, Mr.Ramesh referred to and relied upon

paragraph-5 of the said order, wherein this Court directed that all details of their services with the Forest Department, including the break in service, may be provided so as to examine whether the persons concerned satisfy the requirement of ten years of service as per G.O.Ms.No.95 dated 07.08.2009. Mr.Ramesh contends that if the services provided by the Petitioner across the above mentioned three periods are taken cumulatively, as per the said order, the Petitioner satisfied the requirements for regularization. In addition, Mr.Ramesh submits that the certificate dated 01.08.1985, which substantiates that the Petitioner provided services between 01.08.1979 and 30.03.1982 was placed before the Forest Department as is evident from the impugned order dated 21.07.2010. In specific, he submits that the Forest Department considered his representation wherein he had referred to the fact that he was employed from 1979 onwards. However, the said period of service was disregarded by the Forest Department without assigning any reasons for the same.

3. On the contrary, Mr.S.Prabhu, the learned Special Government Pleader submits that the Petitioner was engaged only for two periods. The first spell was between 01.06.1982 and 31.08.1986 and the second spell between 01.06.1996 and 30.09.1996. From 01.10.1996, he states that the Petitioner did not turn up for work. Accordingly, he submits that the Petitioner did not fulfill the requirements of having completed 10 years of service when G.O.Ms.No.65, Environment and Forest (FR2) Department dated 08.03.1999 was issued.

4. I considered the submissions of the learned counsel for the respective parties and examined the materials on record.

5. As per the order dated 23.03.2010 in WP.Nos.265 of 2009 etc. batch cases, it is clear that this Court directed the Forest Department to consider the services of the persons concerned cumulatively so as to ascertain whether they had completed 10 years of service as per G.O.Ms.No.95 dated 07.08.2009. Although the impugned order dated 21.07.2010 refers to the representation of the Petitioner stating that he had provided services from 01.08.1979, I find that there is no discussion regarding the certificate dated 01.08.1985 or as to why the services from 01.08.1979 to 30.03.1982 were disregarded. In addition, I find that the impugned order specifies that the Petitioner's name was included as serial No.1903 annexed to G.O.Ms.No.64. It is brought to my notice that the Petitioner attained the age of retirement during the pendency of the writ petition. Therefore, the Forest Department should pass a reasoned order after taking into consideration the certificate dated 01.08.1985 and thereafter decide as to the entitlement of the Petitioner to pension benefits.

6. For the reasons aforesaid, the impugned order dated 21.07.2010 is set aside and the petitioner is permitted to submit a fresh representation, by enclosing relevant documents, for consideration of regularization for the limited purpose of conferring pension benefits on the Petitioner. Upon receipt of such representation, the Respondents shall consider the same on merits and dispose of the same within a period of eight weeks thereafter.

7. The writ petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Forest Department,
Fort St. George, Chennai.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.
3. The Divisional Forest Officer,
Social Forests, Vellore.

+1cc to Mr.K.M.Ramesh Advocate SR.NO.37929

+1cc to Special Government Pleader SR.NO.38040

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PVS CO
SDR 16/12/2020

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