

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.27249 of 2013
and
M.P.No.1 of 2013

K.Velusamy

..Petitioner

- Vs -

1.The Government of Tamil Nadu,
Rep. By the Principal Conservator of Forests,
(Head of Forest Force)
Panagal Building, Jeenis Road,
Saidapet, Chennai 600 015.

2.The Conservator of Forest,
Coimbatore Circle,
Social Forestry and Research College Compound,
R.S.Puram, Coimbatore 641 002.

..Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to consider and appoint the petitioner to the post of Mali or Office Assistant as directed in G.O.Ms.No.95 dt. 07.08.2009 in the regular or supernumerary post within a time frame fixed by this Court.

For Petitioner : Mr.V.Govaradhanan for M/s. Row & Reddy.

For Respondents : Mr.M.Elumalai , G.A

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ORDER

This writ petition has been filed by the petitioner to direct the respondent to consider and appoint the petitioner to the post of Mali or Office Assistant as directed in G.O.Ms.No.95 dt. 07.08.2009 in the regular or supernumerary post within a time frame fixed by this Court.

2.The case of the petitioner is that the petitioner joined services of the 2nd respondent as Plot Watcher on daily wage basis in the year 1990 and he was put on monthly wage basis which was below the minimum wages fixed by the Government of Tamilnadu. Since 1999, as per the G.O.Ms.No.64, 1st respondent directed preparation of seniority list of plot watchers and social forest workers and the name of the petitioner was shown at Sl.No.5353. In the year 2000, the service of petitioner was discontinued by the respondent department for having approached the Authority for fixation of minimum wages. Against the termination, the petitioner approached the Labour Court, Coimbatore and the Labour Court, by its order dated 07.03.2008 passed an award setting aside the oral order of termination and directing reinstatement in services. On 07.08.2009, G.O.Ms.95 was issued by the Govt of Tamil Nadu directing the 1st respondent to create 3058 supernumerary post in order to accommodate persons in the seniority list. The grievance of the petitioner is that though he rendered more than 10 years of service in the respondent department, his name was considered for promotion. Aggrieved against the same, the petitioner made a representation on 09.04.2013 to the 1st respondent to appoint him in the post of Mali or Officer Assistant as per G.O.Ms. No.95 dated 07.08.2009. Since no order has been passed on his representation, the petitioner is constrained to approach this Court by filing the present petition.

3. When the matter is taken up for hearing, learned counsel for the petitioner submits that without going into the merits of the issue, it would suffice if this Court directs the 1st respondent to consider the representation of the petitioner and dispose of the same, in accordance with law within a time frame as fixed by this Court.

4.The learned Special Government Pleader appearing for the respondents has no serious objection and submits that if any such direction is given by this Court, the same would be complied with and the representations of the petitioner would be disposed of in accordance with law.

5.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the 1st respondent to consider the representation dated 09.04.2013 made by the petitioner and dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.With the above observation, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Principal Conservator of Forests,
The Government of Tamil Nadu,
(Head of Forest Force)
Panagal Building, Jeenis Road,
Saidapet, Chennai 600 015.
- 2.The Conservator of Forest,
Coimbatore Circle,
Social Forestry and Research College Compound,
R.S.Puram, Coimbatore 641 002.

+1cc to M/s.Row & Reddy, Advocate, S.R.No.25025

W.P. NO.27249 /2013

VSN II (CO)
KKV/14/08/2020

सत्यमेव जयते
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