

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 27408 OF 2013

A.Panjan

.. 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 .

3.The Accountant General,
Chennai.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to extend the benefits of the order passed by the Hon'ble Division Bench in W.A.No.887 of 2011 dated 29.04.2011 which was implemented in G.O.(Ms) No.140 environment and Forest (FR-2) Department, dated 30.05.2012 and further direct the respondents to pay all terminal benefits and all other pensionary benefits. सत्यमेव जयते

For Petitioner : Mr.K.M.Ramesh

For Respondents: Mr.M.Ezhlumalai, GA

ORDER

The petitioner has come up with the above writ petition praying to direct the respondents to extend the benefits of the order passed by the Hon'ble Division Bench in W.A.No.887 of 2011 dated 29.04.2011 which was implemented in G.O.(Ms) No.140 environment and Forest (FR-2) Department, dated 30.05.2012 and further to direct the

respondents to pay all terminal benefits and all other pensionary benefits.

2. It is the case of the petitioner that he joined as Plot Watcher in the respondents department, in the year 1979 and thereafter, he was in continuous service till 30.09.1996. On 06.03.1999, when the Writ Petitioner was working in the respondents department, 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 State wide Seniority List, 3058 persons have to be given posting on regular basis. Unfortunately the the petitioner along with other similar situated persons were not given posting on the ground that they have not completed 10 years of service.

2.1. 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 state-wide 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.

2.2. 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 petitioner submitted a representation on 18.05.2011 to the respondents requesting to appoint him on permanent basis as plot watcher in the light of the order passed by the Hon'ble division Bench in W.A.887/2011, dated 29.04.2011. Since no reply has been received from the respondents, the present petition has been filed.

3. Learned counsel appearing for the petitioner drew the attention of this Court to the decision of this Court

in Tamil Nadu social forestry employees transferred to rural development Dept, Sangam rep by it president P.Bennet David - Vs - State of Tamilnadu & others (WA. No.887/2010) & K.Karunamoorthy -Vs- State of Tamilnadu & others (WP. No.9750/2010), dated 29.04.2011, 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 Government Advocate appearing for the respondents 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 K.Karunamoorthy'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 K.Karunamoorthy's case (supra), wherein, this Court observed as under:

"36.the respondents are directed to implement the order in G.O.Ms.No.95 dated 7 August 2009 on the basis the State wide seniority list without insisting ten years of continuous service. Such exercise shall be completed within a period of three months from the date of receipt or production of a copy of this judgement."

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 the light of the decision in K.Karunamurthy's case (supra) in accordance with the state wide seniority and by verifying his service records and qualifications, 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(CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary,
Forest Department,
Fort St.George,
Chennai 600 009.

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

3.The Accountant General,
Chennai.

+1cc to Mr.Ramesh, Advocate, S.R.No.25141

+1cc to Spl Government Pleader(Forest), S.R.No.25169

W.P. NO.27408 OF 2013

MG(CO)
CB(14/08/2020)



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