



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.21389 of 2015

A.Kasim

... Petitioner

-Vs-

1.Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai-600 009.

2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet,
Chennai-600 015.

3.The Forest Extension Officer,
Forest Extension Centre,
Ponnakudi, Tirunelveli.

4.The Account General
(Accounts and Establishment),
Tamil Nadu, Chennai.

... Respondents

[R4 is impleaded vide order dated 18.12.2015 in
MP(MD)No.1 of 2015]

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the petitioner's seniority and qualification, on par with the petitioner's juniors in the light of the orders passed in W.P.No.15561 of 2006, dated 10.03.2008, W.A.No.690 of 2008, dated 13.10.2009, W.P.No.23374 of 2008, dated 30.10.2009, W.A.No.607 of 2010, dated 29.03.2010 and proceedings of the second respondent, dated 07.01.2011 and confer all consequential benefits including retirement and pensionary benefits.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Dhayalan
Government Advocate (for R1 to R3)
Mr.P.Gunasekaran (for R4)



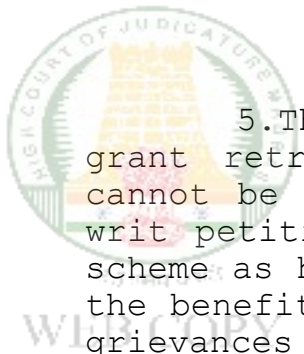
ORDER

The relief sought for in the present writ petition is to direct the respondents to appoint the petitioner as regular time scale of pay as Forest Watcher taking into account of the petitioner's seniority and qualification, on par with the petitioner's juniors in the light of the orders passed in W.P.No.15561 of 2006, dated 10.03.2008, W.A.No.690 of 2008, dated 13.10.2009, W.P.No.23374 of 2008, dated 30.10.2009, W.A.No.607 of 2010, dated 29.03.2010 and proceedings of the second respondent, dated 07.01.2011 and confer, all consequential benefits including retirement and pensionary benefits.

2.The grievances of the petitioner is that some of his juniors were appointed, before his appointment. It is contended that in violation of the seniority, the juniors were appointed and the petitioner was appointed at later point of time. Thus, the petitioner is to be now appointed in the regular time scale of pay as Forest Watcher based on the seniority and qualification and on par with his juniors.

3.The fact remains that the petitioner was originally engaged as Village Social Forestry Worker in the Forest Department on daily wage basis on 01.04.1982. He was receiving the daily wages as per the norms fixed by the Government. The name of the petitioner was included in the state-wide seniority list of Watchers/Village Social Forestry Workers and as per the seniority list preferred during the year 1999. Accordingly, he was brought under time scale of pay in the cadre of Supernumerary Plot Watcher on 07.08.2009. The petitioner was allowed to retire from service on 31.08.2015. Till such time, he has not made any attempt to redress his grievances. Contrarily, the present writ petition itself is filed after a lapse of about three years from the date of retirement.

4.This apart, there were 5442 Plot Watchers in the seniority list, as per G.O.Ms.No.64, Environment and Forests (FR.2) Department, dated 08.03.1999. All these Plot Watchers were appointed in the regular post subject to their qualification and as and when the vacancies arises. The implication of the seniority is with reference to all the 5442 persons. Thus, such belated claim of re-fixation of seniority is entertained after a lapse of many years. This would have larger repercussions and the settled seniority cannot be unsettled after many years and this apart based on the state-wide seniority list and based on the availability of vacancies, the Plot Watchers was regularly absorbed in the sanctioned post and retired from service.



5.This being the factum, the relief as such sought for to grant retrospective appointment under regular time scale of pay cannot be considered now at this length of time. In the present writ petition, the petitioner is not coming under the old pension scheme as he was join duty on 07.08.2009. Thus, he is entitled for the benefit as per the contributory pension scheme and if any other grievances exist in the said scheme, the petitioner is at liberty to approach the competent authority for redressal of his grievances.

6.With these observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai-600 009.
- 2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet,
Chennai-600 015.
- 3.The Forest Extension Officer,
Forest Extension Centre,
Ponnakudi, Tirunelveli.

+1 CC to Mr.S.SIVA KUMAR, Advocate (SR-25470[F] dated 15/12/2020)

W.P. (MD) .No.21389 of 2015
14.12.2020

VB (29.12.2020) 3P 5C