

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2581 of 2021

D.Latha

... Petitioner

Vs

1. The Government of Tamil Nadu,
rep. by its Secretary to Government
Forest Department,
Fort St. George,
Chennai - 600 009.
 2. The Principal Conservator of Forest,
Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
 - 3.The Chief Conservator of Forests,
and Conservator of Forest,
Coimbatore-43.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents 1 and 2 to count the temporary service rendered by the petitioner from 09.05.2007 till 22.12.2010 under 10(a) (i) of the Tamil Nadu General Service Rules in the Judicial Department along with the regular service as Typist in the Forest Department from 23.12.2010 for the purpose of fixation of pay, leave and increment with eligibility to draw arrears as a special case in the light of G.O.Ms.No.172, Public works Department, dated 26.04.1997 and in the light of the proposal, dated 14.03.2017 sent by the third respondent within a time to be specified by this Court.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.Vijay Prashanth,
Government Advocate

Mr.M.Elumalai,
Additional Government Pleader

Mr.S.Prabhu,
Special Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondents 1 and 2 to count the temporary service rendered by the petitioner from 09.05.2007 till 22.12.2010 under 10(a)(i) of the Tamil Nadu General Service Rules in the Judicial Department along with the regular service as Typist in the Forest Department from 23.12.2010 for the purpose of fixation of pay, leave and increment with eligibility to draw arrears as a special case in the light of G.O. Ms. No.172, Public works Department dated 26.04.1997 and in the light of the proposal dated 14.03.2017 sent by the third respondent within a time to be specified by this Court.

2. By consent, final orders are passed in the writ petition in the admission stage.

3. The case of the petitioner is that she was appointed as Typist on 28.04.2007 through employment exchange in Category 5 of Class IV of Tamil Nadu Judicial Ministerial Service in the scale of pay of Rs.3200-85-4900 and joined the said post on 09.05.2007. While she was working as Typist under Rule 10(a)(i) of the Tamil Nadu General Service Rules, she appeared for the competitive examination conducted by the Tamil Nadu Public Service Commissioner on 20.10.2010 and got selected as Typist and posted in the Forest Department by Proceedings dated 01.11.2010. Pursuant to the said order, she was relieved from the post of Typist from the Judicial Ministerial Service on 22.12.2010, and was joined the post of Typist in Coimbatore Circle of the Forest Department. Subsequently she was promoted to the post of Assistant. The grievance of the petitioner is that her service rendered in the Judicial Department from 09.05.2007 to 22.12.2010 has not been taken into account for the purpose of reckoning her regular service in the Forest Department. In this regard, she made a representation to the second respondent through the third respondent, who has forwarded a proposal to the second respondent by enclosing a copy of G.O. Ms. No.172 PWD Department dated 26.04.1997. However, due to no response on the side of respondents 1 and 2, the petitioner has come forward with this present writ petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is pending with the authorities concerned and, not disposed of earlier, this Court directs respondents 1 and 2 to consider the representation of the petitioner dated 08.11.2018 and pass

appropriate orders, in accordance with law, after affording an opportunity of hearing to to all parties concerned, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Secretary to Government
Forest Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Principal Conservator of Forest,
Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
- 3.The Chief Conservator of Forests,
and Conservator of Forest,
Coimbatore-43.

+1cc to Mr.S.Mani, Advocate SR.7202
+1cc to the Spl.Govt.Pleader(Forest) SR.7238

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PA(CO)
CB(12/03/2021)

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