

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3607 of 2021

K.Nanjan

...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 Maaligai, Jeenis Road,
Saidapet, Chennai - 600 015.

3. The District Forest Officer,
The Nilgris (South),
The Nilgris District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner in the cadre post of Forest Watcher on par with his juniors, who were appointed in such post on 05.05.2017, by considering his representation, dated 06.10.2019 and in the light of the proceedings, dated 08.08.2017 of the second respondent calling for the willingness of the petitioner to get appointed to cadre post of Forest Watcher.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.S.Prabhu,
Additional Government Pleader

O R D E R

This Writ petition has been filed, seeking a direction to the respondents to appoint the petitioner in the cadre post of Forest Watcher on par with his juniors, who were appointed in such post on 05.05.2017, by considering his representation, dated 06.10.2019 and in the light of the proceedings, dated 08.08.2017 of the second respondent calling for the willingness of the petitioner to get appointed to cadre post of Forest Watcher.

2. Mr.S.Prabhu, learned Additional Government Pleader takes notice for respondents. By consent, final orders are passed in the Writ petition at the admission stage itself.

3. It is the case of the petitioner that he was initially appointed as a Plot Watcher in the year 1996 and he was not regularized till the year 2010 and kept in supernumerary Post. However, those who were appointed as Plot Watcher even in the year 2004, were brought into cadre post of Forest Watcher much to the chagrin of the petitioner.

4. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that on earlier occasion, this Court in identical circumstances passed an order in W.P.No.4285 of 2020, dated 20.02.2020 and prays for grant of similar relief in his case also. The relevant portion of the said order is extracted hereunder:

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already given his willingness to be appointed in the cadre post of Forest Watcher and similarly placed persons have already been appointed to the said posts, there shall be a direction to the 2nd respondent to pass orders on the representation made by the petitioner on 06.10.2019 after getting the proposals from the 3rd respondent in accordance with law and in line with the orders passed for similarly placed persons, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 2nd and 3rd respondents along with a copy of the representation, dated 06.10.2019 and a copy of this order.

5. The learned Additional Government Pleader appearing for the respondents also has no objection for passing a similar direction.

6. In the light of the orders passed by this Court in W.P.No.4285 of 2020, dated 20.02.2020, and the case on hand being identical and there being no objection from the respondents for issuing similar directions, this Court is inclined to pass similar order with the following directions:

i) A direction is issued to the 2nd respondents herein to consider the representation preferred by the petitioner dated 06.10.2019, after getting proposals from the 3rd respondent, in accordance with law and in line with the orders passed in respect of similarly placed persons, after affording an opportunity of hearing to the petitioner as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 06.10.2019 and this order, to the respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary,
Environment and Forest Department,
The Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
The Nilgris (South),
The Nilgris District.

+1cc to Mr.S.Mani, Advocate, S.R.No.10865

+1cc to the Special Government Pleader, S.R.No.10886

W.P.No.3607 of 2021

PCH (CO)
RN (31/03/2021)