

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 01.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.29936 of 2008 and
M.P.No.1 of 2008

The Tamil Nadu Forest Department
Driver's Association,
Principal Chief Conservator of Forest Office Complex,
Panagal Buildings, Chennai - 600 015.
(Affiliated to Government Departments Driver's Association),
represented by its State President,
T.Jayakodi ... Petitioner

Vs.

1. Government of Tamil Nadu rep.,
by its Secretary to Government,
Environment and Forests Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 600 015. ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the Appeal dated 10.11.2008 of the petitioner on merits and in accordance with law within a time frame and till desist from retrenching the members of the petitioner and recruiting drivers through Employment Exchange in their places.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.S.Prabhu
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents to consider the Appeal dated 10.11.2008 of the petitioner on merits and in accordance with law within a time frame and till desist from retrenching the members of the petitioner and recruiting drivers through Employment Exchange in their places.

2. On behalf of the temporarily appointed Drivers at the respondent Department, who are the members of the petitioners employees Association, this writ petition is filed with the aforesaid prayer.

3. Heard Mr. M. Ravi, learned counsel appearing for the petitioner, who would submit that, the members of the petitioners Association were temporarily appointed as Drivers at the respondent Department long back and they have not so far been regularised or absorbed on permanent basis. Therefore, in order to regularise their services, detailed request had been made on their behalf by the petitioners Association on 10.11.2008 to the respondents, but till date, the same has not been considered, he contended.

4. He would also submit that, if a direction is given to the respondents, especially, the first respondent to consider the said request and decide the same within a time on merits and in accordance with law, the members of the petitioner Association will be satisfied.

5. Heard Mr. S. Prabhu, learned Additional Government Pleader appearing for the respondents, who would submit that, whether these members of the petitioners Association would be entitled to get the relief as they claimed through the representation of the petitioner would be examined and accordingly, the same would be given a disposal on merits and in accordance with law within a time that may be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following orders.

That the respondents especially the first respondent is hereby directed to consider the representation of the petitioner dated 10.11.2008, if not already considered and decided and pass orders thereon on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7. Since the representation is of the year 2008, the petitioner is hereby directed to send a copy of that representation along with the copy of this order to the first respondent through proper channel and on receipt of the same, the needful shall be undertaken by the respondents.

8. If there is any rival claim made in this regard, which may have an impact on the inter se seniority if ultimately the request of the members of the petitioners Association is

accepted, in order to settle the said issue also, the rival claim through any other rival Association if it is available or comes to the notice of the first respondent, such rival claim also shall be considered along with the claim made by the petitioner Association and in this regard, if need be, notices can be given to both parties before taking a decision.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Sgl
To

1. The Secretary to Government,
Government of Tamil Nadu rep.,
Environment and Forests Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 600 015.

+1 CC to The Government Pleader sr 12340.

W.P.No.29936 of 2008

PMK (CO)
SP(17/03/2021)

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