

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 26190 of 2009

and

W.M.P. No. 1 of 2009

G.Munusamy

... Petitioner

-vs-

1. State of Tamil Nadu,
Represented by Secretary,
Fort St.George,
Chennai.

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

3. The President,
Forest Committee,
Radhapuram,
Thandarampattu Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to include the name of the petitioner in the statewide seniority list prepared as per G.O.Ms.No.64 dated 06.03.1999 and consequently, regularise the services of the petitioner as Plot Watcher as per G.O.Ms.No.95 dated 07.08.2009.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.S.Prabhu

Addl. Govt. Pleader for R1&R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents to include the name of the petitioner in the statewide seniority list prepared as per G.O.Ms.No.64 dated 06.03.1999 and consequently, regularize the services of the petitioner as Plot Watcher as per G.O.Ms.No.95 dated 07.08.2009.

2. The claim of the petitioner is that, the petitioner had

been engaged or was working as Plot Watcher on daily wages basis or temporary basis from the year 1998 at various ranges of the respondents and though, he had been continuously working for eleven years, his name was not considered to be included in the list for the purpose of absorbing the petitioner as a permanent employee. Therefore, in this regard, the petitioner has given a representation to the respondents on 07.04.2008, however, the said representation was not considered. In this context, the learned counsel appearing for the petitioner would submit that, even though, the Government order to that effect namely G.O.Ms.No.95 dated 07.08.2009 was issued and Service Certificate to that effect was also given by the immediate employer of the petitioner dated 08.12.2009 and having produced all those documents, however, the representation of the petitioner since have not been considered, the petitioner was constrained to file this Writ Petition with the aforesaid prayer. Therefore, the petitioner seeks indulgence of this Court to issue a suitable direction to the respondents.

3. On the other hand, Mr.S.Prabhu, learned Additional Government Pleader appearing for the first and second respondents would submit that, it is only a claim on the side of the petitioner that, he had been working or engaged from 1998 for the period of eleven years continuously. The said statement has to be verified only with the records available with the respondents and based on the records available with the respondents, decision has to be made as to whether the petitioner would be entitled to include his name in the list for the purpose of abortion.

4. Therefore, without going into the merits of the case, the learned Additional Government Pleader appearing for the first and second respondents would submit that, since the representation claimed to have been made to the respondents on 07.04.2008, the copy of the same along with the fresh representation can be send with details and alleged engagement of the petitioner within a time frame that may be stipulated by this Court and on receipt of the same, that would be considered by the respondents on merits and in accordance with law.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. As has been rightly pointed out by the learned Additional Government Pleader appearing for the respondents, it is only a claim of the petitioner that he had been continuously engaged from 1998 for eleven years and whether such engagement was made in respect of the petitioner or not has to be verified only with the records available with the respondents. Therefore, by

considering those available records, the respondents can very well decide the claim of the petitioner made through the representation dated 07.04.2008 and accordingly, decision can be made. In this regard, a fresh detailed representation along with the representation dated 07.04.2008 with supporting inputs / documents can also be send by the petitioner within a time frame and on receipt of the same, the needful shall be done by the respondents.

7. In that view of the matter, this Court is inclined to dispose of the Writ Petition with the following orders:

"(i) That the petitioner is hereby directed to send a copy of the representation dated 07.04.2008 and a fresh detailed representation with supporting inputs / documents to establish his claim to the second respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the same, the second respondent shall consider the said representation with inputs supplied by the petitioner and after verifying the records with regard to the engagement on temporary or causal or daily wager as plot watcher in the concerned range of the second respondent with the available records of the second respondent office and a decision can be taken and the same shall be communicated to the petitioner.

(iii) The needful as indicated above shall be undertaken by the second respondent within a period of eight weeks from the date of receipt of the said representation as indicated above from the petitioner."

8. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

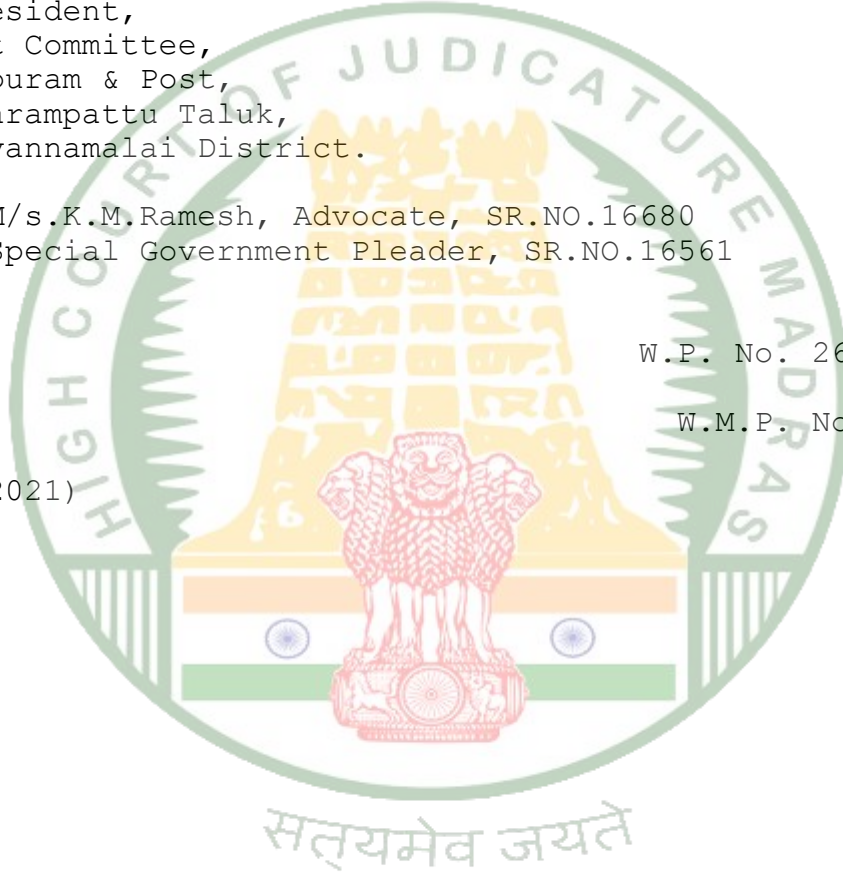
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Forest Committee,
Radhapuram & Post,
Thandarampattu Taluk,
Thiruvannamalai District.

+1 cc to M/s.K.M.Ramesh, Advocate, SR.NO.16680

+1 cc to Special Government Pleader, SR.NO.16561

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JPII(CO)
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