

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3934 of 2021

K.Aachi

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Forest & Environment Department,
Fort St.George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai - 600 015.
3. Wildlife Warden, Guindy Children's Park,
Guindy, Chennai - 600 032. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the Respondents to consider and dispose of the petitioner's representation dated 03.10.2020 wherein petitioner has claimed regularization and pensionary benefits within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.S.Prabhu, AGP

O R D E R

Mr.S.Prabhu, learned Additional Government Pleader, takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed, seeking a direction to the Respondent to consider and dispose of the petitioner's representation dated 03.10.2020 within a time frame to be stipulated by this Court.

3. The case in brief would run thus:

3.1 The petitioner joined the services of the third respondent as casual mazdoor on 12.06.1993. While so, she was terminated from service on 27.09.1996, which compelled her to raise an industrial dispute being I.D.No.215 of 1998 before the

Principal Labour Court, Chennai.

3.2 The Labour Court, after hearing the parties, passed an award dated 26.07.2001, directing the respondents to reinstate the petitioner in service, with continuity of service and back wages along with other attendant benefits.

3.3 The aforesaid award was challenged by the respondents 2 and 3 by filing WP.No.5423 of 2002. During the pendency of the writ petition, the petitioner was reinstated in service, however, she was not given other benefits awarded by the Labour Court. In the mean while, by order dated 01.10.2010, this Court disposed of the said writ petition, modifying the award passed by the Labour Court with respect to backwages to 50% from the date of termination till reinstatement.

3.4 Challenging the aforesaid order passed in the writ petition, WA No.998 of 2011 was filed, which was dismissed as withdrawn on 20.07.2011.

3.5 Consequently, the first respondent passed G.O.(2D) No.15, Environment and Forest (FR V) Department, dated 27.02.2014 regularising the services of the petitioner, but not from the date of original appointment. Further, no backwages was given to the petitioner. Hence, she filed C.P.No.138 of 2016 seeking half of the backwages, which was allowed on 20.03.2020. Even thereafter, the claim of the petitioner was not considered.

3.6 In such circumstances, she retired from service on 30.06.2017, on reaching the age of superannuation. Thereafter, the petitioner made a representation dated 03.10.2020 seeking regularisation from the date of initial appointment and pensionary benefits. Finding no response on the same, she has come up with this writ petition for the aforesaid relief.

4. Heard both sides and perused the documents placed before this Court.

5. Considering the limited relief sought in this writ petition, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 03.10.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

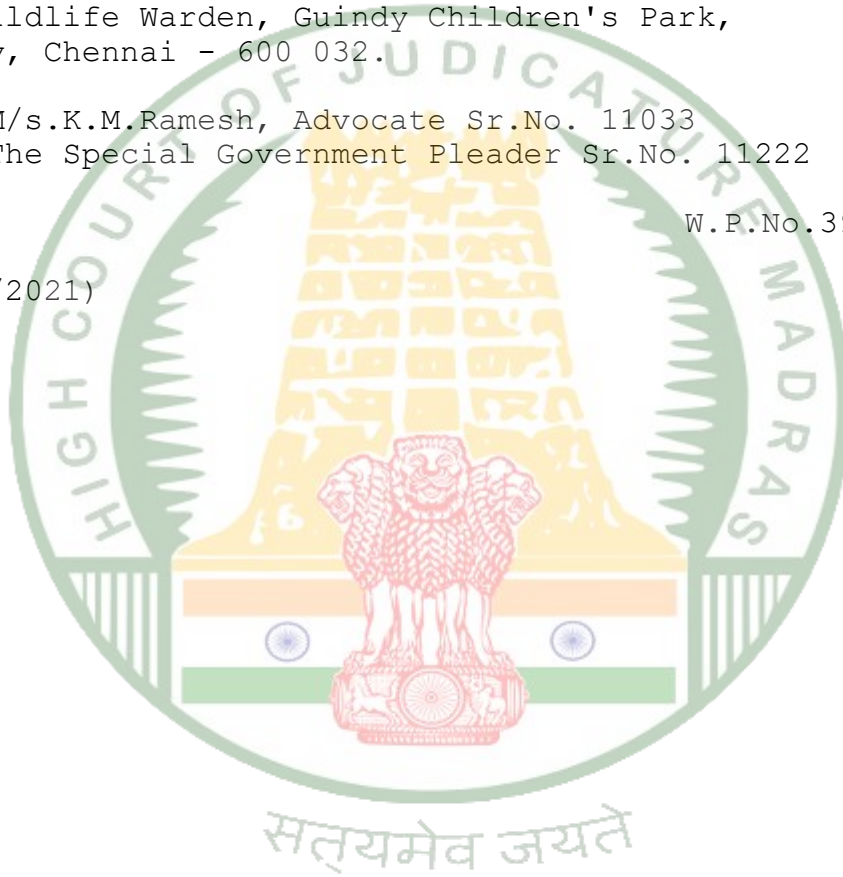
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To

1. The Secretary to Government,
Forest & Environment Department,
Fort St.George, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai - 600 015.
 3. The Wildlife Warden, Guindy Children's Park,
Guindy, Chennai - 600 032.
- +1 cc to M/s.K.M.Ramesh, Advocate Sr.No. 11033
+1 cc to The Special Government Pleader Sr.No. 11222

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GPL(CO)
RMP(31/03/2021)



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