



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.19951 of 2010
and M.P. No.2 of 2010

S.Murugan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator,
of Forests,
No.1, Jeenis Road, Panagal Building
Saidapet, Chennai-600 015.

3.The District Forest Officer,
Nilgiris South Division,
Ooty.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records on the file of the 3rd respondent in connection with the order passed by the 3rd respondent in his Proc.Na.Ka.No.6932/2009 Pal dated 30.11.2009 and quash the same and direct the respondents to regularise the service of the petitioner with all monetary and service benefits.

For Petitioner : Mr.P.A.Arvinth Vivek

For Respondents: Mr.E.Vijay Anand

Addl. Govt. Pleader (Forest)

ORDER

The writ petition is filed challenging the proceedings of the 3rd respondent in his Proc.Na.Ka.No.6932/2009 Pal dated 30.11.2009 and quash the same and direct the respondents to regularise the service of the petitioner with all monetary and service benefits.



2. This writ petition has been filed primarily on the ground that the impugned order has been passed without any prior notice or without giving an opportunity of hearing to the petitioner on the ground that the petitioner has not completed 10 years of service as Plot Watcher. We find that the impugned order has been passed without even putting the petitioner on notice.

3. It is submitted by the learned counsel for the petitioner that subsequent to the impugned order, the petitioner had submitted his representations dated 09.12.2009 and 10.08.2010 to the 2nd and 1st respondents respectively. This Court finds that the impugned order has resulted in adverse consequences and therefore the petitioner ought to have been put on notice and an opportunity of personal hearing be provided. In view of the above circumstances, this Court finds that the impugned order is liable to be set aside and the respondents are directed to pass fresh orders after providing the petitioner with a reasonable opportunity of being heard. It is open to the petitioner to submit his objection, if any, in this regard, by treating the impugned order as a notice. The respondents are directed to complete the entire exercise and pass appropriate orders within a period of 12 weeks from the date of issue of a copy of this order. The learned counsel for the respondents does not have any serious objection to such direction.

4. It is informed that during the pendency of the writ petition, the petitioner had continued in service on the strength of interim order of this Court. In view of the above, this Court further directs that Status-Quo be maintained until orders are passed by the respondents herein in terms of the above directions of this Court.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition, if any, is closed.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar



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To

- 1.The Secretary to Government,
State of Tamil Nadu
Environment and Forest Department,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator,
of Forests,
No.1, Jeenis Road, Panagal Building
Saidapet, Chennai-600 015.
- 3.The District Forest Officer,
Nilgris South Division,
Ooty.

+1 CC to Mr.J.Saddam Hussain, Advocate sr 63901
+1 CC to The Special Government Pleader (F) sr 63988

W.P. No.19951 of 2010

GSM(CO)
SP(22/12/2021)