

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5517 of 2021

- 1.N.Prabaharan
- 2.K.Ramasamy
3. S.Veerappan
4. G.Venkatesan
5. C.Gopal
6. P.Selvaraj
7. D.Swaminathan
8. S.Murugan
9. K.Arunachalam
10. M.Marimuthu
11. M.Nagaveni
12. S.Rajendran
13. A.Sundararaj
14. K.Rajamanickam
S/o. Kolandai
15. K.Rajamanickam
S/o. Kandasamy

16. M.Krishnan

... Petitioners

सत्यमेव जयते
-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
Office at Panagal Maligai,
Saidapet, Chennai 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the service of petitioners from the date of initial appointment as Forest

Watcher / Mali / Night Watchman / Plot Watcher (Supernumerary post) in their respective category purpose of getting pension in the light of Hon'ble Supreme Court Judgment delivered in C.A.No.6789 of 2018, dated 02.09.2019 and confer all consequential pensionary benefits.

For Petitioners: Mr.T.Sellapandian

For Respondents: Mr.M.Elumalai
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to regularize the service of petitioners from the date of initial appointment as Forest Watcher / Mali / Night Watchman / Plot Watcher (Supernumerary post) in their respective category purpose of getting pension in the light of Hon'ble Supreme Court Judgment delivered in C.A.No.6789 of 2018, dated 02.09.2019 and confer all consequential pensionary benefits.

2. Mr.M.Elumalai, Additional Government Pleader takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The brief facts of the case are that even though the petitioners have rendered more than 40 years of service since 1980, they did not get pensionary benefits because of their regularization made after 01.04.2003. But their juniors got pensionary benefits, with reference to joining date. In the circumstance, in a similar case, the Hon'ble Supreme Court delivered a Judgment in C.A.No.6793 of 2019 dated 02.09.2019 in favour of the petitioners therein, wherein the Hon'ble Supreme Court held that those employees who have worked for ten years or more than ten years should have been regularized. Hence, the petitioner filed the present Writ petition, seeking direction to the respondents to regularize the service of petitioners from the date of initial appointment as Forest Watcher / Mali / Night Watchman / Plot Watcher (Supernumerary post) in their respective category purpose of getting pension in the light of Hon'ble Supreme Court Judgment delivered in C.A.No.6789 of 2018, dated 02.09.2019 and confer all consequential pensionary benefits.

4. According to the learned counsel for the petitioners, the petitioners have submitted representation dated 15.05.2020, but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioners is directed to be considered and disposed of by the respondents on merits.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioners' representation is already pending with the respondents, the Writ

Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 15.05.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are 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 petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the respondents 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 petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 15.05.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, 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 petitioners, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Vum

To

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
Office at Panagal Maligai,
Saidapet, Chennai 600 015.

+15cc to Mr.S.Mani, Advocate, S.R.No. 14598

+1cc to the Special Government Pleader, S.R.No. 14653

W.P.No.5517 of 2021

PCH(CO)
GN(08/04/2021)



WEB COPY