

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 2063 of 2012

G.Mani

... Petitioner

-vs-

1. The District Forest Officer,
Vellore District - 4.

2. The Forest Range Officer,
Vellore 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 consider and pass orders on petitioner's representation dated 26.03.2011, for the post of Garden Watcher, Vellore Division.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Prabhu

Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 26.03.2011 for the post of Garden Watcher, Vellore Division.

2. It is the case of the petitioner that, from 1990 or even prior to that, he had been working as daily wages Plot Watcher at the respondent department for several years up to 2008, of course with the intermittent break. In this regard, those who completed ten years of continuous service are eligible to absorb as Plot Watcher, where, the learned counsel appearing for the petitioner has relied upon the relevant Government Order.

3. Therefore, seeking such a relief of absorption as Plot Watcher on permanent basis, based on the relevant Government Order, by taking into account, the long service by way of daily wages rendered by the petitioner, he had given a representation to the respondents on 26.03.2011. However, the said representation has not been considered. Therefore, he approached this Court by filing the present Writ Petition.

4. Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner, who would reiterate the aforesaid facts and seeks indulgence of this Court.

5. However, Mr.S.Prabhu, learned Additional Government Pleader appearing for the respondents by relying upon the averments made in the counter affidavit filed by the first respondent would submit that, if at all any one wants to get the benefit of the relevant G.O., for getting absorption on permanent basis as Plot Watcher, he should have completed ten years of long service or two years of continuous service on daily wages basis and without fulfilling the said condition, no one can be regularized.

6. Therefore, according to the learned Additional Government Pleader, the petitioner is not fulfilling these conditions and hence, the prayer sought for by the petitioner cannot be considered, he contended.

7. However, Mr.R.Venkatesan, learned counsel appearing for the petitioner by relying upon the Service Certificate issued by the Forest Range Officer concerned dated 19.10.2009, would vehemently contend that, as per the Service Certificate issued by the concerned Forest Ranger under whom or under whose jurisdiction, the petitioner claimed to have worked for several years on daily wages basis, the petitioner would be entitled to get the absorption.

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

9. Since it is a factual dispute, as to whether, the petitioner has continuously worked for ten years for getting the benefits of the G.O., concerned, the said aspect can very well be decided by the respondents, for which, the necessary input with supporting documents can be furnished by the petitioner.

10. 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 give a fresh representation along with the representation dated 26.03.2011 with the copy of this order with all supporting documents in support of his claim for absorption as Plot Watcher to the respondents within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation and supporting documents and copy of this order from the petitioner, the respondents especially the first respondent shall act upon and decide the same after verifying not only the documents to be submitted by the

petitioner but also the records available with the respondents Office and accordingly, take a decision, whether the petitioner would be entitled to get such absorption as claimed by him and pass orders on merits and in accordance with law within a period of eight weeks thereafter and communicate the same to the petitioner."

11. With these directions this Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

1. The District Forest Officer,
Vellore District - 4.
2. The Forest Range Officer,
Vellore District.

+1cc to Mr.R.Venkatesan, Advocate, S.R.No. 12521

+1cc to the Special Government Pleader, S.R.No. 12533

W.P. No. 2063 of 2012

SR II(CO)
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