

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4420 of 2021
(Heard through VC)

A.Gangan

.. Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department
Fort St.George, Chennai - 9.
2. The Principal Chief Conservator of Forest
And Head of Forest Force,
Panagal Building, Saidapet,
Chennai -15.
3. The Conservator of Forests,
Chennai Circle,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 10.03.2020 in respect to regularize his service in the Supernumerary post of Plot Watcher as per G.O.Ms.No.202, Environment and Forest (FR-2) Department, dated 18.12.2013, G.O.(2pa) No.13, Environment and Forest Department dated 26.03.2018 and in the light of the recommendation made by the third respondent in Na.Ka.No.pa2/5607/2015 dated 17.05.2016 with all consequential Benefits.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.S.Prabhu
Additional Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to consider his representation dated 10.03.2020 seeking regularization of service in the Supernumerary post of Plot Watcher as per G.O.Ms.No.202, Environment and Forest (FR-2) Department, dated

18.12.2013, G.O.(2pa) No.13, Environment and Forest Department dated 26.03.2018 and in the light of the recommendation made by the third respondent in Na.Ka.No.pa2/5607/2015 dated 17.05.2016 with all consequential Benefits.

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

3. The facts of the case is that the petitioner is working as Plot watcher in the Urban Forestry Division and his initial appointment was on April, 2000. The first respondent has issued G.O.Ms.No.202 Environment and Forest (F-2) Department dated 18.12.2013 for regularization of 243 workers in supernumerary post which is already created in Forest Department and those who have completed 10 years of service. Though the petitioner has completed 10 years of service at the time of issuing G.O.Ms.No.202, the Plot Watchers, who were appointed upto 2000 were brought under the regular time scale of pay. But his service was not regularized in the Government Order. Thereafter, as per the request of the petitioner, the third respondent has sent a proposal recommending the petitioner along with 8 others to the second respondent to regularize their services. The Conservator of Forests by his proceedings in Na.Ka.No.pa2/5607/2015 dated 17.05.2016 has forwarded the recommendation to the second respondent. Subsequently, the first respondent has issued another Government Order in G.O.(2pa) No.13, Environment and Forest (Forest 2-II) Department, dated 26.03.2018. By this Government Order, the Plot Watchers, who have completed 10 years of service were brought under the regular time scale of pay irrespective of their date of appointment. Though his name was recommended for service regularization in the year 2016, his service was not regularized as per G.O.Ms.No.13, dated 26.03.2018. Hence, the petitioner has made a representation dated 10.03.2020 to the second and third respondents. But still it is pending before the respondents without any progress. Hence, this petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's 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 submitted by the petitioner dated 10.03.2020 and in the light of the recommendation made by the third respondent in Na.Ka.No.pa2/5607/2015 dated 17.05.2016, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner 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 petitioner is unable to appear for personal hearing, the petitioner is 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 petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails 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 petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.03.2020 and this order, to the respondents forthwith;

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

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Environment and Forest Department
Fort St.George,
Chennai - 9.

2. The Principal Chief Conservator of Forest
And Head of Forest Force,
Panagal Building, Saidapet,
Chennai - 15.

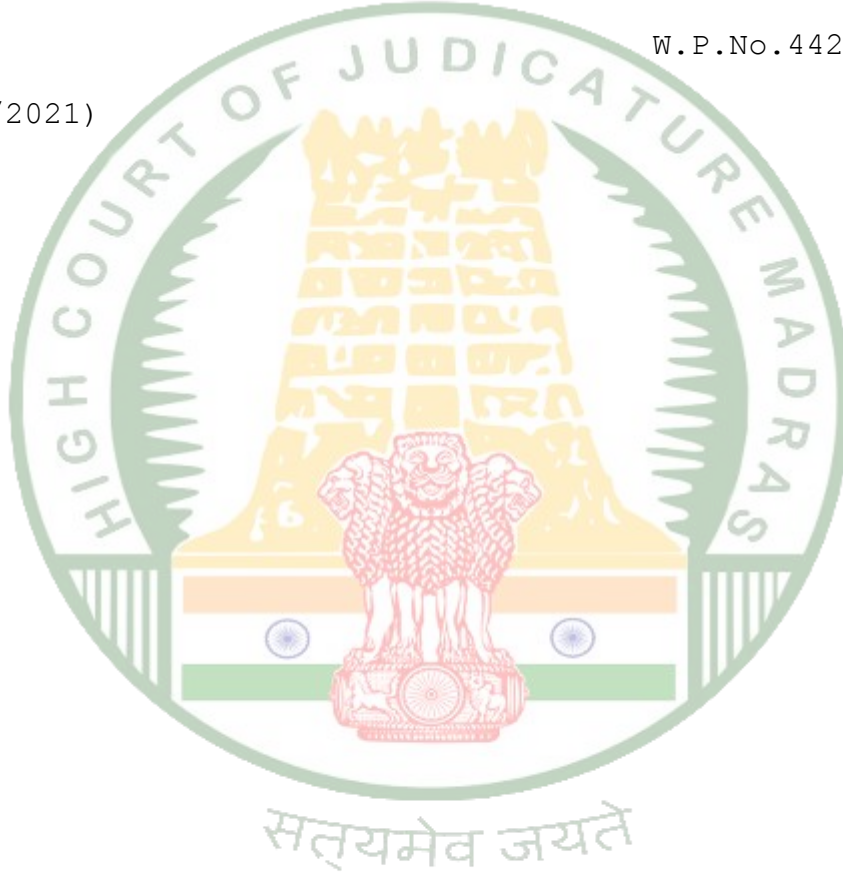
3. The Conservator of Forests,
Chennai Circle,
Chennai.

+1cc to Ms.K.Jenitha, Advocate SR.No.12990

+1cc to Special Government Pleader SR.No.12343

W.P.No.4420 of 2021

RR(CO)
GMY(22/06/2021)



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