

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 02.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.2401 of 2012

A.Thukkan

... Petitioner

Vs.

- 1.State of Tamil Nadu,
The Chief Conservator of Forest,
Panagal Buildings,
Anna Salai, Saidapet,
Chennai.
- 2.The Chief District Forest Officer,
Vellore Fort, Vellore.
- 3.The Forest Range Officer,
Thirupathur Range,
Thirupathur Taluk, Vellore District.
- 4.The District Forest Officer,
Thirupathur Division,
Thirupathur.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint the petitioner in anyone of the vacant Group-D post of Peon, Watchman, Watcher, based on the services rendered under the respondents 3 and 4.

For Petitioner

: Mr.M.Gnanasekar

For Respondents

: Mr.S.Prabhu

Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the respondents to appoint the petitioner in anyone of the vacant Group-D post of Peon, Watchman, Watcher, based on the services rendered under the third and fourth respondents.

2.The petitioner was engaged as Thirupathur Forest Range as Gang Mazdoor from 01.10.1992 and he claimed that, in that capacity, he worked till 31.07.1996 and while so, on 01.08.1996 he was disengaged and thereafter, in 2006 and 2007, again he was engaged between 05.05.2007 and 28.05.2007. However, the salary also was not given and thereafter, he was not at all engaged. Therefore, in this regard, the petitioner had given a representation to the respondents and one such representation given by him is dated 05.10.2009, where, he mentioned that, there are three posts vacant, wherein, his candidature can be considered for re-engagement. However, the said representation since was not considered by the respondents, he has approached this Court by filing this present writ petition.

3.Heard Mr.M.Gnanasekar, learned counsel appearing for the petitioner who would submit that, the said request of the petitioner may be directed to be considered on merits and accordingly, if the respondents come forward to decide that, the petitioner can be taken back, it is a fortunate of the petitioner to get such an order, therefore, he seeks indulgence of this Court.

4.Mr.S.Prabhu, learned Additional Government Pleader appearing for the respondents would submit that, it was sporadically he might have been engaged on temporary basis as Gang Mazdoor and merely because, he was engaged sporadically as Gang Mazdoor like any other persons, he cannot seek indulgence of this Court to seek a permanency or permanent appointment, as admittedly he never been engaged on regular basis, except only for four months. However, the learned Additional Government Pleader would submit that, since he has given a representation on 05.10.2009, the same would be considered and decided on merits and in accordance with law within a time that may be stipulated by this Court.

5.Considering the limited scope of the issue, which is pending in this writ petition, this Court is inclined to pass the following orders.

(i) That the respondents especially the first respondent is hereby directed to consider the representation of the petitioner dated 05.10.2009 and pass orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) Since the representation is of the year 2009, a copy of the same shall also be annexed along with this order by the petitioner and send the same within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the

needful, as indicated above, shall be undertaken by the first respondent.

With these directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Chief Conservator of Forest,
State of Tamil Nadu,
Panagal Buildings,
Anna Salai, Saidapet,
Chennai.
- 2.The Chief District Forest Officer,
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- 3.The Forest Range Officer,
Thirupathur Range,
Thirupathur Taluk, Vellore District.
- 4.The District Forest Officer,
Thirupathur Division,
Thirupathur.

+1 cc to Spl Government Pleader Forest Sr.No. 12954
+2ccs to Mr.M.Udhaya kumar , Advocate SR.No. 13064
+1cc to Mr.M.Gnanasekhar, Advocate SR.No. 12837

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JD II

A.SK(30.03.2021)

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