



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.NOS.5887 & 5890 OF 2021

W.P.NO.5887 OF 2021

B.Rajan

... Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Environment & Forests,
Fort St. George,
Chennai - 600 009.

2. The Principal Chief Conservator of Forests &
Head of Forest Force,
Panagal Building, Saidapet,
Chennai - 600 015.

3. The Wildlife Warden,
Guindy Children's Park,
Chennai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorafied Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in G.O.(2D) No.35 Environment & Forests (FR.2.II) Department dated 28.11.2020 and quash the same consequently direct the first respondent to regularize the services of the petitioner on completion of 10 years of service from the date of his initial appointment on daily wages by extending the benefit conferred in G.O.Ms.No.3 Environment and Forests (FR.2.II) Department dated 11.01.2019 & in G.O. Ms.No.48 Environment & Forests (FR.2.II) Department dated 27.05.2019 with all consequential service and monetary benefits.



W.P.NO.5890 OF 2021

K.Chinnapaiyan

... Petitioner in
W.P.No.5890 of 2021

WEB COPY

Versus

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Environment & Forests,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests &
Head of Forest Force,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The Deputy Conservator of Forests, (Budgeting),
O/o. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Building,
Chennai - 600 015.

... Respondents

PRAYER:-

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For Petitioner : Ms.Swadhi Subramanian
(In Both Petitions) For Mr.R.Prem Narayan

For Respondents : Mr.C.Kathiravan
(In Both Petitions) Government Advocate



O R D E R

These writ petitions are filed to quash the impugned order passed by the first respondent in G.O.(2D) No.35 Environment & Forests (FR.2.II) Department dated 28.11.2020 and direct the first respondent to regularize the services of the petitioners on completion of 10 years of service from the date of their initial appointment of daily wages by extending the benefit conferred in G.O.Ms.No.3 Environment and Forests (FR.2.II) Department dated 11.01.2019 & in G.O.Ms.No.48 Environment & Forests (FR.2.II) Department dated 27.05.2019 with all consequential service and monetary benefits.

2. The petitioners in these writ petitions are appointed as Drivers in the Tamil Nadu Forest Department. The petitioner in W.P.No.5890 of 2021 was appointed on 04.04.1997 and the petitioner in W.P.No.5887 of 2021 was appointed on 01.07.2001. It is the case of the petitioners that they sought for regularisation of the services as the second respondent had already forwarded regularisation of the services of other persons who are similarly placed. Since the first respondent did not pass any order on the representations of the petitioners, the petitioners have filed writ petition in W.P.No.25798 of 2019 and W.P.No.25802 of 2019 respectively. By an order dated 12.03.2019, this Court disposed of those writ petitions by directing the first respondent to consider and pass orders on the representation of the petitioner for regularisation of petitioners' services.

3. On 28.11.2020, the first respondent issued an order vide G.O.Ms.No.35 Environment Forest dated 28.11.2020 rejecting the representations of the petitioners for regularisation. Relying upon G.O.Ms.No.3 dated 11.01.2019 and two precedents of this Court, the above writ petitions are filed by the petitioners to quash the order passed by the first respondent vide G.O.Ms.No.35 Environment Forest and direct the first respondent to regularise the service of the petitioners.

4. Learned counsel appearing for the petitioner relied upon a few judgments of this Court in similar cases particularly the judgment in the case of A.Muthukrishnan and others Vs. State of Tamil Nadu and other in W.P.No.6632 of 2020 and batch. According to the petitioners, vide G.O.Ms.22 Personal and Administrative Reforms Department dated 28.02.2006, the Government directed to regularise the services of daily wage employees who have completed ten years of service. The direction vide G.O.Ms.No.22 is kept intact and several directions have been issued in individual cases based on the said Government Order. All the contentions raised by the respondent denying the benefits of regularisation of services to those daily wage employees who had



completed ten year of services after 01.01.2006 were rejected by this Court in several writ petitions. The judgment of a learned single Judge allowing the writ petitions filed by the petitioners and rejecting the contention of the respondent, was also challenged in appeal and it is stated that the appeal was also dismissed by a Division Bench of this Court.

5. Learned Government Advocate appearing for the respondents has only pointed that the petitioners shall not be given the benefit of regularisation as they completed ten years of services only after 01.01.2006.

6. Having regard to the judgments relied upon by the petitioners and the view expressed by this Court in a catena of cases, this Court is not inclined to take any different view, as no distinguishing factor is pointed out for not applying the same principle in the case of petitioners. Accordingly, these writ petitions are allowed and the impugned order passed by the first respondent in G.O.(2D) No.35 Environment & Forests (FR.2.II) Department dated 28.11.2020, is hereby quashed. No costs. The respondents are directed to regularise the service of the petitioners on completion of ten years, from the date of initial appointment with all attendant and consequential benefits. The first respondent shall pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Principal Secretary to Government,
Department of Environment & Forests,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests &
Head of Forest Force,
Panagal Building,
Saidapet,
Chennai - 600 015.



3. The Wildlife Warden,
Guindy Children's Park,
Chennai.

4. The Deputy Conservator of Forests, (Budgeting),
O/o. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Building,
Chennai - 600 015.

+2ccs to Mr.R.Prem Narayan, Advocate, S.R.No.36476
+1cc to the Government Pleader, S.R.No.36855

W.P.Nos.5887 & 5890 of 2021

GPL(CO)
PBS/25/08/2021