

IN The HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

The HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7751 of 2021

M.Natarajan

... Petitioner

-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
Panagal Maligai, Jeenis Road,
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 petitioner as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension by taking into account their seniority and qualification, on par with their juniors Mr.Karuppan, in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008, dated 13.10.2009, W.P.No.23374 of 2008, dated 30.10.2009, W.A.No.607 of 2010, dated 29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits by considering the representation of the petitioner dated 19.12.2019.

For Petitioners : Mr.S.Mani

For Respondents : Mr.S.Prabhu

Additional Government Pleader

ORDER

This Writ petition is filed, seeking a direction to the respondents to regularize the service of petitioner as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension by taking into account their seniority and qualification, on par with his junior, in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008, dated 13.10.2009, W.P.No.23374 of 2008, dated 30.10.2009, W.A.No.607 of 2010, dated 29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and confer all consequential benefits by considering the representation of the petitioner dated 19.12.2019.

2. Mr.S.Prabhu, 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 petitioner has rendered more than 30 years of service since 1983, he did not get pensionary benefits because of his regularization made after 01.04.2003. But his 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 petitioner as Forest Watcher from 24.01.1995 for the purpose of getting pension in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008, dated 13.10.2009, W.P.No.23374 of 2008, dated 30.10.2009, W.A.No.607 of 2010, dated 29.03.2010 and confer all consequential pensionary benefits.

4. According to the learned counsel for the petitioner, the petitioner has submitted representation dated 19.12.2019, 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 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 2nd respondent herein to consider the representation preferred by the petitioner dated 19.12.2019, 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 60 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 2nd respondent 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 19.12.2019 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is 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

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of Forests
Panagal Maligai, Jeenís Road,
Saidapet, Chennai 600 015.

+1 cc to Mr.S.Mani, Advocate, SR.No.19568
+1 cc to The Special Government Pleader, SR.No.20398

W.P.No.7751 of 2021

PCH(CO)
NS(17/05/2021)