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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. Nos.1475 and 1477 of 2021 and
C.M.P. Nos.9360, 9369 and 9370 of 2021

1. Government of Tamil Nadu,
represented by Secretary to Government,
Environment and Forests Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai 600 015.
3. The District Forest Officer,
Krishnagiri District,
Hosur Division.

... Appellants in
both Appeals

vs

M.Saravanan

...Respondent in
W.A.No.1475 of 2021

M.Govindasamy

....Respondent in
W.A.No.1477 of 2021

Prayer in W.A.Nos.1475 and 1477 of 2021: Writ Appeals filed under clause 15 of the Letters Patent praying to set aside the common order dated 13.02.2019 made in W.P.Nos.30564 and 30565 of 2008 and allow these Writ Appeals.

Common Prayer in W.P.Nos.30564 and 30565 of 2008 : Petitions filed under Article 226 of the constitution of India, praying for the issuance of a writ of Mandamus directing the respondents to regularise the service of the petitioners as Driver from the date of their initial appointment on 01.09.1997 and 01.10.1998 with all consequential service and monetary benefits and to absorb them in regular establishment.



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For Appellant : Mr.R.Neelakandan
in both W.As State Government Counsel

For Respondent : M.Ravi
in both W.As.

COMMON JUDGMENT

[Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.]

These Writ Appeals are directed against the order dated 13.02.2019 passed by the learned Single Judge in W.P.Nos.30564 and 30565 of 2008.

2. In the said Writ Petitions, the learned Single Judge had observed in paragraph 4 as follows:

"4. But this Court is unable to find any justification on the part of the respondents. When it is not disputed that the petitioners were appointed on 01.09.1997 and 01.10.1998 and they have completed more than ten years of service as on today, the benefit of G.O. Ms. No.22 P & A.R. Department dated 28.02.2006 can be given to the petitioner. Accordingly, the writ petitions are allowed and the respondents are directed to regularise the service of the petitioners on the basis of the said G.O. Ms. No.22, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected M.Ps are closed. No costs. "

Aggrieved by the above said order, directing the appellants to regularise the service of the writ petitioners, the above Writ appeals have been filed by the State.

3. The learned State Government Counsel appearing for the appellants has produced a copy of the order passed by the First Bench of this Court in a batch of Writ Appeals in W.A.Nos.391 of 2020 etc., dated 13.03.2020, wherein, in paragraphs 7 and 8, it has been held as follows:-

" ...7. We have considered the submissions raised and we find no reason to differ from the view taken by the Division Bench while confirming the judgment of the learned Single Judge, issuing directions for regularization. But, insofar as the date from which such regularization will be given effect to being sub-judice before the Apex Court, we direct that the respondents/petitioners shall be regularized and so far as the date of regularization is concerned, the same will be governed by the outcome of the judgment of the Apex Court.



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8. The learned Additional Advocate General, on instructions, states that the respondents/petitioners will be regularized and the regularization orders will be issued within four weeks from the date of production of a copy of this order. We record this and direct accordingly."

4. Pursuant to the said order passed in W.A.No.391 of 2020 etc., dated 13.03.2020, G.O.(Ms).No.8, Environment and Forests (FR.2-II) Department, dated 22.01.2021 was passed implementing the same by regularizing the service of the writ petitioners therein. The same benefit will have to be given to the writ petitioners in these cases also.

5. In the light of the above said G.O., this Writ appeals are disposed of on the same terms. The first appellant is hereby directed to accept the proposal and regularize the service of the respondents/writ petitioners, within a period of four weeks from the date of receipt of a copy of this judgment. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Environment and Forests Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai 600 015.
3. The District Forest Officer,
Krishnagiri District,
Hosur Division.

+1CC to the Special Government Pleader (Forest), High Court,
Madras, Sr.No.30933

W.A. Nos.1475 and 1477 of 2021 and
C.M.P. Nos.9360, 9369 and 9370 of 2021

AK-II (CO)

K.RK. (03.08.2021)