

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3321 of 2014

1. M.Settu
2. A.Sami Devar ... Petitioners

Vs.

1. Government of Tamil Nadu rep. by its
Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Thiruvannamalai,
Thiruvannamalai District.
4. The District Forest Officer,
Theni, Theni District.
5. The Accountant General of T.Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai - 600 018. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioners from the date of completion of 10 years of service with time scale of pay, arrears of regular salary and pensionary benefits to the petitioners in the light of the Order dated 09.07.2012 in W.P.No.11405 of 2012 passed by this Court within a time frame that may be stipulated by this Court.

For Petitioners: Mr.S.Mani

For Respondents: Mr.M.Elumalai
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to regularize the service of the petitioners from the date of completion of 10 years of service with time scale of pay and pay arrears of salary and pensionary benefits to the petitioners, in the light of the order of this Court dated 09.07.2012 passed in W.P.No.11405 of 2012 within a time frame that may be stipulated by this Court.

2.Upon notice, the respondents 2 and 3 filed a separate counter affidavits, wherein, it is stated that the Government took a policy decision to regularise the services of 3058 Plot Watchers and Village Social Forestry Workers and appoint them in the supernumerary post of "Plot Watcher" in special time scale of pay in the pay band of Rs.2500-5000 with Grade pay of Rs.500/- from 07.08.2009 on regular basis; accordingly, the Government issued G.O.Ms.No.95 Environment and Forests (FR-2) Department, dated 07.08.2009 to regularise the service of Plot Watchers and Village Social Forestry Workers prepared as per G.O.Ms.No.64, Environment and Forests Department, dated 08.03.1999 and completed 10 years of service; however, the petitioners are not eligible for regular salary and pensionary benefits, as they retired from service on 31.07.2009 and 10.06.2009 respectively; and hence, the writ petition is liable to be dismissed. It is further stated therein that the order of this Court dated 09.07.2012 made in W.P.No.11405 of 2012 is not applicable to the facts of the present case.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioners submitted that as per the subsequent G.O.Ms.No.131, Personnel and Administrative Reforms (F) Department, dated 28.11.2020, the petitioners are entitled for regularization of their services with notional effect and hence, the petitioners may be given liberty to approach the authority concerned afresh for appropriate relief.

4.The learned Additional Government Pleader (F) appearing for the respondents has no serious objection for granting such relief to the petitioners.

5.In view of the limited relief now sought by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, and also having regard

to G.O.Ms.No.131, Personnel and Administrative Reforms (F) Department, dated 28.11.2020, this writ petition stands disposed of, granting liberty to the petitioners to submit a fresh representation enclosing all the relevant documents to the respondent authorities, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent authorities shall consider the same and pass appropriate orders on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioners, within a period of six weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Thiruvannamalai,
Thiruvannamalai District.
4. The District Forest Officer,
Theni, Theni District.
5. The Accountant General of T.Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai - 600 018.

+1cc to the Special Government Pleader Sr.231

W.P.No.3321 of 2014

rsi[co]
srg 17/02/2021