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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.23025 of 2021

and

W.M.P.No.24216 of 2021

(Through Video Conferencing)

1.K.Govindarasu
2.M.Kasiammal
3.S.Sevaka Pandian

... Petitioners

Vs.

1.Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai - 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioners 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 junior 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 second respondent dated 07.01.2011 and W.P.No.22762 of 2014 dated 22.08.2014 and W.P.No.24 of 2016 dated 05.01.2016 and W.P.No.37631 of 2016 dated 26.10.2016 and W.P.No.32571 of 2018 dated 11.12.2018 and W.P.No.18771 of 2019 dated 30.08.2019 and in W.P.No.19020 of 2021 dated 09.09.2021.

For Petitioners : Mr.S.Mani

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.



2. This writ petition is being allowed at the time of admission considering the fact that in a similar matter several orders have been passed on an earlier occasion. Recently an order was passed in W.P.No.19020 of 2021 dated 09.08.2021 wherein, a reference was made to several other orders governed the law on the subject. The operative portion from the said order reads as under:-

"Both the learned counsel for the petitioners and the learned Government Advocate for the respondents submits that the issue is now squarely covered by the following decisions of this Court:-

(i) J.Pandian and others Vs Government of Tamil Nadu and another, passed in W.P.Nos.22762 to 22769 of 2014 dated 22.08.2014.

(ii) C.Thangaraju and others Vs Government of Tamil Nadu and another, passed in W.P.No.24 of 2016 dated 05.01.2016.

(iii) C.Elumalai and others Vs Government of Tamil Nadu and another, passed in W.P.No.37631 of 2016 dated 26.10.2016.

(iv) M.Tamilvendhan and others Vs Government of Tamil Nadu and another, passed in W.P.No.32571 of 2018 dated 11.12.2018.

(v) P.Asokan and others Vs Government of Tamil Nadu and another, passed in W.P.Nos.18771 of 2018 etc batch dated 30.08.2019.

2. The petitioners have also sent a representation dated 01.03.2021 asking the respondents to promote them on par with their immediate juniors who were promoted as Forest Watchers on 24.01.1995 though the petitioners were promoted much later on 07.08.2009.

3. Since the prayer in this writ petition is confined for seniority and for monetary benefits, this Writ Petition is allowed in terms of the orders passed by this Court cited above.

4. The second respondent is directed to make necessary corrections in the pension papers of the petitioners and give relief to the petitioners with effect from the date on which the petitioners junior Mr.R.Karuppan was promoted. No costs. Consequently, connected Writ Miscellaneous Petition is closed."



3. This Writ Petition stands allowed in terms of the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-II)

//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 Maaligai, Jeenai Road,
Saidapet, Chennai - 015.

+3cc to Mr.S.Mani, Advocate, S.R.No.56367

+1cc to the Special Government Pleader, S.R.No.55620

W.P.No.23025 of 2021

and

W.M.P.No.24216 of 2021

MG(CO)
SB(23/11/2021)