



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD)Nos.8710, 8712, 8714 and 8715 of 2021

V.Velayutham	...	Petitioner in W.P.(MD).No.8710 of 2021
P.Selvaraj	...	Petitioner in W.P.(MD).No.8712 of 2021
C.Punnaivanam	...	Petitioner in W.P.(MD).No.8714 of 2021
Ochathevar	...	Petitioner in W.P.(MD).No.8715 of 2021

Vs.

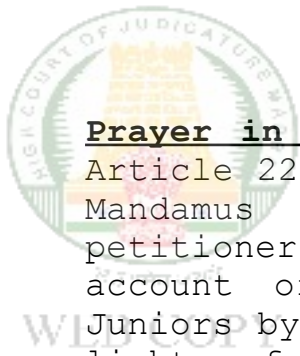
1.The Government of Tamil Nadu
represented by Secretary to Government,
Forest and Environment Department,
Fort St. George,
Chennai -9.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 15.

... Respondents in all W.Ps.

Prayer in W.P.(MD).No.8710 of 2021: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to appoint the petitioner as Regular Time Scale of Forest Watchers taking into account of his seniority and qualification, on par with his Juniors, by considering his representations dated 05.10.2018, in the light of the order passed in W.P.No.15561 of 2006, dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009 and W.P.No.23374 of 2008 dated 30.10.2009 and W.A.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

Prayer in W.P.(MD).No.8712 of 2021: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to appoint the petitioner as Regular Time Scale of Forest Watchers taking into account of his seniority and qualification, on par with his Juniors by considering his representations dated 19.02.2021 in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009 and W.P.23374 of 2008 dated 30.10.2009 and W.A.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.



Prayer in W.P. (MD).No.8714 of 2021: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to appoint the petitioner as Regular Time Scale of Forest Watchers taking into account of his seniority and qualification, on par with his Juniors by considering his representations dated 26.12.2019 in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009 and W.P.23374 of 2008 dated 30.10.2009 and W.A.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

Prayer in W.P. (MD).No.8715 of 2021: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to appoint the petitioner as Regular Time Scale of Forest Watchers taking into account of his seniority and qualification, on par with his Juniors by considering his representations dated 11.06.2020 in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009 and W.P.No.23374 of 2008 dated 30.10.2009 and W.A.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

In all WPs

For Petitioners	:	Mr.G.Chandrasekar
For Respondents	:	Mr.M.Murugan
		Government Advocate

C O M M O N O R D E R

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. According to the petitioners, they were appointed as Social Forestry Workers in the Forest Department on various dates viz., 01.12.1983, 31.03.1986, 16.04.1983 and 01.11.1985 respectively, on daily wage basis. Subsequently, in the year 1994, the Government decided to regularise the service of the Plot Watchers / Social Forestry Workers through out the State and prepared the State Wide Seniority List. In the said List, the petitioners names were included and allotted seniority numbers as 3118, 4613, 2376 and 4384 respectively. In view of the more number of persons included in the said list, the Government could not accommodate all the persons and hence, issued G.O.(Ms.).No.332, Environment and Forest Department, dated 22.12.1994, prescribing SSLC as minimum general educational qualification for the post of Forest Watcher / Mali. Only 421 daily wage Plot Watchers were possessing SSLC qualification out of 4000 persons and therefore, they alone could be absorbed in the first batch. The number of



original applications have been filed before the Tamil Nadu Administrative Tribunal in O.A.No.197 of 1995 etc., batch and the Tribunal granted interim stay of operation of the G.O.(Ms).No.332, Environment and Forest Department, dated 22.12.1994, on 24.01.1995. Before granting stay, 171 persons out of 421 Plot Watchers / Social Forestry Workers have been joined the post as Forest Watchers. Due to the interim stay granted by the Tribunal, other persons could not join the post of Forest Watcher. Subsequently, the Government cancelled the G.O.(Ms).No.332, Environment and Forest Department, dated 22.12.1994 and issued another G.O.(Ms).No.64, Environment and Forest Department, dated 08.03.199, prescribing qualification to bring the daily wage Plot Watchers into regular time scale of pay is ability to read and write. Subsequent to the cancellation of G.O.(Ms).No.332, Environment and Forest Department, dated 22.12.1994, a list of persons eligible to be regularised as Forest Watchers was prepared. The petitioners' names were not included in the said list and their juniors names were included in the said list and they were regularised in the year 1994 itself. The petitioners are regularised only on 06.08.2009. The petitioners were retired, on attaining the age of superannuation on 31.07.2018, 28.02.2017, 31.05.2011 and 29.02.2020 respectively. After retirement, all the petitioners have given representations dated 05.10.2018, 19.02.2021, 26.12.2019 and 11.06.2020 respectively, to regularise their services from the year 1994 and grant all monetary benefits.

3. According to the learned counsel for the petitioners, number of persons similarly placed like that of the petitioners filed original applications and writ petitions and this Court directed the respondents to regularise their services on par with their juniors. The writ appeals in some cases and SLPs in some cases filed before the Hon'ble Apex Court were dismissed. Subsequently, the order passed by this Court was implemented by the respondents, giving promotion to the petitioners therein with all benefits on par with their juniors and hence, prayed for bringing the petitioners on regular time scale of pay.

4. Heard Mr.M.Murugan, learned Government Advocate appearing for the respondents.

5. From the above facts, it is admitted that in the year 1994, the Government decided to regularise the persons appointed on daily wage basis in various Departments and prepared State Wide Seniority List. According to the petitioners, their names were included in the said list in the year 1994 itself. Subsequent to the preparation of the said list, the Government, by G.O.(Ms.).No.332, Environment and Forest Department, dated 22.12.1994, prescribed the educational qualification for regularisation. Subsequently, the said G.O. was cancelled. Subsequent to



cancellation of G.O.(Ms.).No.332, Environment and Forest Department, dated 22.12.1994, in the year 1994, the respondents prepared a list of eligible persons to be regularised. According to the petitioners, their names were not included in the list prepared in the year 1994. The petitioners, at that time, did not take any steps for inclusion of their names in the list and for regularisation in the year 1994 itself. The petitioners were regularised on 06.08.2009. Even, in the year 2009 itself, the petitioners have not taken any steps for regularisation of their services with effect from 1999. The petitioners have retired, on attaining the age of superannuation on 31.07.2018, 28.02.2017, 31.05.2011 and 29.02.2020 respectively. After the date of attaining superannuation, all the petitioners have given representations to regularise their services with effect from 1994 and grant all monetary benefits.

6. The details of the petitioners are as follows:

W.P. (MD) .Nos:	Name of the petitioners	Date of Retirement	Date of representation
8710 of 2021	V.Velayutham	31.07.2018	05.10.2018
8712 of 2021	P.Selvaraj	28.02.2017	19.02.2021
8714 of 2021	C.Punnaivanam	31.05.2011	26.12.2019
8715 of 2021	Ochathevar	29.02.2020	11.06.2020

7. From the above details, it is clear that the petitioners have not taken any steps till 2018 and the petitioner in W.P.(MD) No.8714 of 2021 retired from service on 31.05.2011 and he has given a representation only in the year 2019, seeking regularisation with effect from 1994. The petitioners have not taken any steps to get their right at the earliest and the present claim of the petitioners are belated and stale.

8. For the above reasons, the petitioners are not entitled for the relief sought for in the present writ petitions. Accordingly, all the writ petitions are dismissed. No costs.

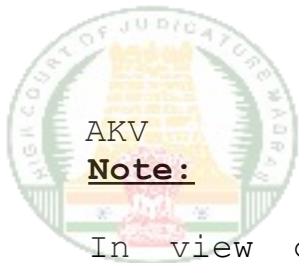
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



AKV

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St. George,
Chennai -9.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai - 15.

+4 CC to M/s.G.CHANDRASEKAR, Advocate (SR-18029, 18024, 18022, 18029[F] dated 29/04/2021)

+1 CC to SPL GP (SR-18067[F] dated 29/04/2021)

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