



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.8774, 8776, 8777 & 8779 of 2021

WEB COPY

Neduncheliyan ... Petitioner in W.P(MD)No.8774/2021
Samuthravelu ... Petitioner in W.P(MD)No.8776/2021
S.Rajendran ... Petitioner in W.P(MD)No.8777/2021
S.Anbalagan ... Petitioner in W.P(MD)No.8779/2021

Vs.

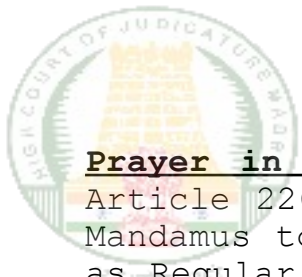
1.The Government of Tamil Nadu
Rep. by Secretary to Government,
Forest and Environment Department,
Fort St. George,
Chennai -9.

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

... Respondents in all W.Ps'

Prayer in W.P. (MD).No.8774 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 Watcher taking into account of his seniority and qualification, on par with his Juniors, by considering his representation, dated 16.04.2019, 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.No.23374 of 2008, dated 30.10.2009 and W.A.No.607 of 2010, dated 29.03.2010 and confer all consequential benefits.

Prayer in W.P. (MD).No.8776 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 representation, dated 16.04.2019, 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 29.03.2010 and confer all consequential benefits.



Prayer in W.P. (MD).No.8777 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 representation, dated 18.02.2019, 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.No.23374 of 2008, dated 30.10.2009 and W.A.No.607 of 2010, dated 29.03.2010 and confer all consequential benefits.

Prayer in W.P. (MD).No.8779 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 representation dated 01.04.2021, 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 29.03.2010 and confer all consequential benefits.

For Petitioners	: Mr.G.Chandrasekar
For Respondents	: Mr.C.Ramesh
	Special Government Pleader

COMMON ORDER

Since the issue involved in these Writ Petitions is one and the same, they are heard 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., 01.08.1980, 01.07.1981, 01.10.1981 and 01.03.1980 respectively, on daily wage basis. Subsequently, in the year 1994, the Government decided to regularise the service of the Plot Watchers / Social Forestry Workers throughout the State and prepared the State Wide Seniority List. In the said List, the petitioners' names were included and they were allotted seniority numbers 946, 1345, 1507 and 779, respectively. In view of 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 Watchers' / Mali, Office Assistant / Office Watchman. Only 421 daily wage Plot Watchers out of 4000 persons, qualified to be regularised as Forest Watcher / Mali. 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 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

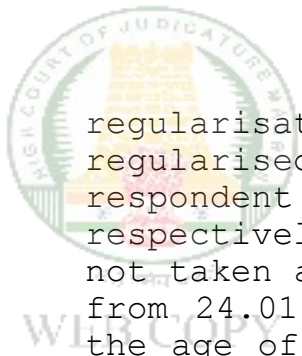


Forestry Workers have joined in the regularised post as Forest Watchers. Due to the interim stay granted by the Tribunal, other persons could not join the post of Forest Watcher. Subsequently, the Government cancelled G.O(Ms)No.332, Environment and Forest Department, dated 22.12.1994, and issued another G.O.(Ms).No.64, Environment and Forest Department, dated 08.03.1999, 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 juniors were regularised in the year 1994 itself. The petitioners were regularised in the post of Plot Watcher by the order of the second respondent on 10.03.2003, 20.10.2003, 26.12.2003 and 21.03.2003 respectively. The petitioners retired from service on attaining the age of superannuation on 30.06.2018, 31.03.2013, 31.10.2015 and 30.09.2017 respectively. After retirement, all the petitioners have given representations, dated 16.04.2019, 16.04.2019, 18.02.2019 and 01.04.2021 respectively, to regularise their services from 24.01.1995 and grant all monetary benefits.

3. According to the learned counsel for the petitioners, the similarly placed persons like that of the petitioners herein filed Original Applications before the Tamil Nadu Administrative Tribunal and Writ Petitions. This Court directed the respondents to regularise their services on par with their juniors. Against the said order, the Writ Appeals and SLPs were filed and the same were dismissed. Subsequently, the order passed by this Court was implemented by the respondents, given 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.C.Ramesh, learned Special Government Pleader 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 in the post of Plot Watcher by the order of the second respondent on 10.03.2003, 20.10.2003, 26.12.2003 and 21.03.2003 respectively. Even, in the year 2009 itself, the petitioners have not taken any steps for regularisation of their services with effect from 24.01.1995. The petitioners retired from service on attaining the age of superannuation on 30.06.2018, 31.03.2013, 31.10.2015 and 30.09.2017 respectively. After the date of attaining superannuation, all the petitioners have given representations to regularise their services with effect from 24.01.1995 and grant all monetary benefits.

6. The following are the details of date of retirement the petitioners and date of representations:-

W.P (MD) Nos	Name of the petitioners	Date of Retirement	Date of representation
8774 of 2021	M.Neduncheliyan	30.06.2018	16.04.2019
8776 of 2021	S.Samuthravelu	31.03.2013	16.04.2019
8777 of 2021	S.Rajendran	31.10.2015	18.02.2019
8779 of 2021	S.Anbalagan	30.09.2017	01.04.2019

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.8776 of 2021 retired from service on 31.03.2013 and he has given a representation only in the year 2019, seeking regularisation of his service with effect from 24.01.1995. The petitioners have not taken any steps to get their rights at the earliest and the present claim of the petitioners is 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(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
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-18025 to 18028[F] dated
29/04/2021)

+1 CC to M/s.SPL GP (SR-18285[F] dated 30/04/2021)

W.P(MD)Nos.8774, 8776, 8777 & 8779 of 2021
29.04.2021

TR(07.06.2021) 5P 8C