



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.11.2021

CORAM:

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A. (MD) .Nos.1773 to 1776 of 2021

1.V.Velayutham	... Appellant/Petitioner in W.A(MD)No.1773/2021
2.P.Selvaraj	... Appellant/Petitioner in W.A(MD)No.1774/2021
3.C.Punnaivanam	... Appellant/Petitioner in W.A(MD)No.1775/2021
4.Ochathevar	... Appellant/Petitioner in W.A(MD)No.1776/2021

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.As

Prayer in W.A(MD)No.1773 of 2021:

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.04.2021 in W.P(MD)No.8710 of 2021 passed by this Court.

Prayer in WP(MD) . 8710/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue 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 WP.No.15561 of 2006 dated 10.03.2008, WA.No.690 of 2008 dated 13.10.2009 and WP.23374 of 2008 dated 30.10.2009 and WA.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

Prayer in W.A(MD)No.1774 of 2021:

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.04.2021 in W.P(MD)No.8712 of 2021 passed



Prayer in WP(MD) . 8712/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. to issue 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 WP.No.15561 of 2006 dated 10.03.2008, WA.No.690 of 2008 dated 13.10.2009 and WP.23374 of 2008 dated 30.10.2009 and WA.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

Prayer in W.A(MD)No.1775 of 2021:

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.04.2021 in W.P(MD)No.8714 of 2021 passed by this Court.

Prayer in WP(MD) . 8714/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12 to issue 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 WP.No.15561 of 2006 dated 10.03.2008, WA.No.690 of 2008 dated 13.10.2009 and WP.23374 of 2008 dated 30.10.2009 and WA.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.

Prayer in W.A(MD)No.1776 of 2021:

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.04.2021 in W.P(MD)No.8715 of 2021 passed by this Court.

Prayer in WP(MD) . 8715/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. to issue 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 WP.No.15561 of 2006 dated 10.03.2008, WA.No.690 of 2008 dated 13.10.2009 and WP.23374 of 2008 dated 30.10.2009 and WA.No.607 of 2010 dated 21.03.2010 and confer all consequential benefits.



For Petitioners
in all W.As
For Respondents in all
W.As

: Mr.G.Chandrasekar
: Mr.P.Subbaraj
Government Advocate

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COMMON JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

Since the issue involved in these Writ Appeals is one and the same, they are heard together and disposed of by this common judgment.

2.The case of the appellants is that 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 regularize the service of the Plot Watchers/Social Forestry Workers throughout the State and prepared the State Wide Seniority List. In the said list, the appellants' 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 were 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 could join 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 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 appellants' names were not included in the said list and they were regularised in the year 1994 itself. Whereas the appellants were regularized only on 06.08.2009 and subsequently, they retired from service 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 appellants have given representations, dated 05.10.2018, 19.02.2021, 26.12.2019 and 11.06.2020



respectively, to regularise their service from the year 1994 and grant all monetary benefits.

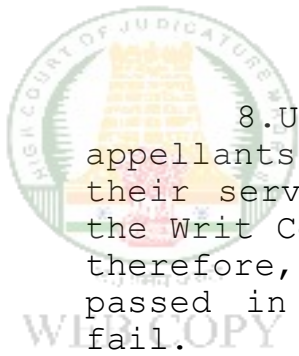
3. After hearing the arguments made on either side, the writ petitions were dismissed on the ground of delay. Challenging the order of dismissal of the writ petitions, the appellants have filed the above writ appeals.

4. Heard Mr.G.Chandrasekar, learned counsel appearing for the appellants and Mr.P.Subbaraj, learned Government Advocate appearing for the respondents.

5. The learned counsel appearing for the appellants submitted that the learned Single Judge dismissed the writ petitions only on the ground of delay and held that the appellants had not approached the Court at the earliest. The learned counsel further submitted that all the appellants rendered their unblemished service for meagre amount till their retirement and the service of the appellants were regularized only in the year 2009, whereas the service of their juniors were regularized in the year 1994. Hence, he prays for setting aside the order of the learned Single Judge.

6. The learned Government Advocate appearing for the respondents submitted that the appellants failed to take any steps from 1994 till 2018 and they have given representations dated 05.10.2018, 19.02.2021, 26.12.2019 and 11.06.2020 respectively, seeking regularization of their service from the year 1994 and therefore, the learned Single Judge rightly rejected the claim of the appellants and hence, there is no merit in these writ appeals and prayed for dismissal of the same.

7. On a perusal of records, it is seen that admittedly, the appellants were regularised on 06.08.2009. Thereafter, the appellants retired from service on attaining the age of superannuation on 31.07.2018, 28.02.2017, 31.05.2011 and 29.02.2020 respectively. Till their retirement, the appellants did not take any steps for regularization of their service from the year 1994. After their retirement, the appellants have given representations to regularise their service from the year 1994 and grant all monetary benefits. Though the appellants attained the age of Superannuation on 31.07.2018, 28.02.2017, 31.05.2011 and 29.02.2020 respectively, they have neither taken any steps to approach the Court earlier nor they have made any representation seeking regularization of their service from the year 1994 and the reason for not approaching the Court either prior to retirement or immediately soon after the retirement has not been properly explained by the appellants. They gave the representations only on 05.10.2018, 19.02.2021, 26.12.2019 and 11.06.2020 respectively.



8. Under the above said circumstances, we find that the appellants are not entitled to seek the relief of regularization of their service from the year 1994, after a long lapse of time and the Writ Court has rightly rejected the claim of the appellants and therefore, we find no sound reason to interfere with the order passed in the writ petitions and accordingly, the writ appeals fail.

9. In the result, the Writ Appeals are dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

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-35289[F] dated 22/11/2021)

+1 CC to M/s.SPL GP (SR-35175[F] dated 19/11/2021)

W.A. (MD) .Nos.1773 to 1776 of 2021
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RS (30.11.2021) 5P 8C