



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.02.2022
CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 1666 of 2022
and WMP.No. 1812 of 2022

R.Govindaraj

..Petitioner

Vs

1.The State of Tamil Nadu
Rep. By the Principal Secretary to Government
Department of Environment, Forests and Climate Change,
Fort St.George,
Chennai-600009.

2.The Principal Chief Conservator of Forests,
Forest Department,
Panagal Building,
1, Geenis Road,
Saidapet, Chennai -600015

3.The Chief Conservator of Forests,
Vellore Circle,
Pillaiyar Koil Street,
Rangapuram, Vellore - 632009.

4.The District Forest Officer,
Vellore Forest Division,
Vellore - 632009.
Vellore District.

..Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint and regularize the service of petitioner as Forest Watcher in terms of the award dated 13.03.2014 made in I.D.No.2 of 2013 passed by the Principal Labour Court Vellore Vellore District and pay time scale of pay with all consequential service and monetary benefits on par with similarly placed persons.

For Petitioner : Mr. N.Vignesh

For Respondents : Mr. T.Arun Kumar, AGP



O R D E R

The prayer in the writ petition is for a direction to the respondents to appoint and regularize the service of petitioner as Forest Watcher in terms of the award dated 13.03.2014 made in I.D.No.2 of 2013 passed by the Principal Labour Court Vellore and pay time scale of pay with all consequential service and monetary benefits on par with similarly placed persons.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader and perused the documents available on record.

3. The learned counsel for the petitioner has submitted that the petitioner was appointed as Plot Watcher by the 4th respondent on 01.09.21993. The petitioner was orally terminated from service on 01.04.2008, therefore the petitioner had approached the Labour Court, Vellore in I.D.No. 2 of 2013 and the same was allowed on 13.03.2014 with the directions to the respondents to reinstate him into service along with continuity of service and full back wages and also to regularise his service from 01.04.2004. Since no action has been taken by the respondents, the petitioner has filed a writ petition in W.P.No. 44040 of 2014, this Court by order dated 19.12.2019 directed the respondents to consider the petitioner's claim as per the award passed by the Labour Court. Subsequently, the petitioner has filed contempt petition in Cont.P.No. 166 of 2021 before this Court.

4. The learned counsel for the petitioner has further submitted that after filing contempt petition, the petitioner was reinstated into service vide order dated 22.04.202. Further, the writ petition filed by the respondents as against the award of the Labour Court was also disposed of by this Court on 02.09.2021, therefore, the respondents ought to have taken steps to implement the order of the Labour Court dated 13.03.2014.

5. On the other hand, the learned Special Government Pleader has submitted that pursuant to the impugned order passed by the Labour Court, the respondent-department has reinstated the petitioner into service and the said fact was also placed before this Court in Contempt Petition No.166 of 2021 at the time of hearing.

6. Now the grievance of the petitioner is that he has not been paid back wages from October'2021 to till date as per the orders passed by the Labour Court.



7. The learned Special Government Pleader has submitted that insofar as payment of salary is concerned, the respondent-department has taken steps to pay the salary to the petitioner from the month of October 2021 and the same will be paid to the petitioner within a short period of time. Insofar as back wages is concerned, it is for the petitioner to work out his remedy before the appropriate Court.

8. In view of the aforesaid submissions made by the learned Special Government Pleader, the respondent-department is directed to pay the arrears of salary to the petitioner from the month of October 2021 to till date, within a period of four weeks from the date of receipt of a copy of this order and if entitled, continue to pay the salary to the petitioner.

9. With the above directions, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government
Department of Environment, Forests and Climate Change,
Fort St.George,Chennai-600009.

2.The Principal Chief Conservator of Forests,
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3.The Chief Conservator of Forests,
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Pillaiyar Koil Street,
Rangapuram, Vellore - 632009.

4.The District Forest Officer,
Vellore Forest Division,
Vellore - 632009.Vellore District.

+1 cc to Mr.M.R.Jothiraman, Advocate Sr.NO.
+1 cc to Government Pleader(Forest) Sr.NO. 10413

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RSI (CO)
A.SK(17/03/2022)