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WP.No.2968/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WP.No.2968/2019

C.Chandrasekaran

... Petitioner

Vs

1.The State of Tamil Nadu
rep.by its Secretary to Government
Environment and Forest Department
Fort St George, Chennai.

2.The Principal Chief Conservator of Forest
Panagal Maligai, Saidapet
Chennai 600 016.

...
Respondents

Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 24.01.2017 with regard to appointment as Forest Watcher in accordance with Ref.No.1376/95 E1 dated 23.01.1995 within a time frame.



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For Petitioner : Ms.K.Jenitha
For RR 1 & 2 : Mr.T.Sampath Kumar
Government Advocate

ORDER

(1) The prayer sought for herein is as follows:-

"Writ petition filed for issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 24.01.2017 with regard to appointment as Forest Watcher in accordance with Ref.No.1376/95 E1 dated 23.01.1995 within a time frame."

(2) It is the claim of the petitioner that the petitioner has been appointed as Social Forestry Worker on 06.01.1986 at Thanjavur Range and thereafter, he was transferred to Rural Development Department on 31.03.1994 and however, when he was about to join the said post, he was not allowed to join and was told to wait for further orders. In the interregnum, the petitioner was appointed as Forest Watcher on the basis of G.O.Ms.No.332, Environment and Forest Department,



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dated 22.12.1994, by the proceedings of the Conservator of Forests, Coimbatore, on 23.01.1995 in which list, the petitioner's name was included in Serial No.82 since the petitioner possessed the qualification of S.S.L.C. However, the persons aggrieved of the above Government Order, filed OA.No.197/1995 and during the pendency of the Original Application, the Government restored the qualification of ability to read and write instead of a pass in SSLC vide G.O.Ms.No.64 dated 08.03.1999. Hence, the petitioner and the other aggrieved persons were denied the regular time scale of pay in the year 1995. However, some of the juniors to the petitioner have joined the post of Forest Watcher and subsequently, were promoted as Forest Guard and Forester.

- (3) The petitioner further states that the other similarly placed persons like him filed WP.No.15561/2006 and 23374/2006 and the said writ petitions were disposed of by this Court on 10.03.2008 and 30.10.2009 respectively with a direction to the respondents therein to consider the claim of the aggrieved persons for appointment to the post of Forest Watcher on par with their juniors. Writ Appeals filed



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against the above orders were also dismissed by this Court on 13.10.2009 and 29.03.2010 respectively. By citing the orders passed in the above writ petitions, the petitioner and others filed WP.No.27598/2011 and though a positive direction was given to consider the claim of the petitioner, the 2nd respondent informed the petitioner about the non-appointment of the petitioner as Forest Watcher. Hence, the petitioner has given a representation on 21.04.2017 to the respondents. However, the said representation since was not considered, he approached this Court by filing the present writ petition with the aforesaid prayer.

- (4) Heard the learned counsel for the petitioner who seeks indulgence of this Court by reiterating the above facts to issue a direction to the respondents to consider the said representation and to pass orders thereon on merits and in accordance with law within a time frame that may be stipulated by this Court and with that, the petitioner would be satisfied, he contended.
- (5) Heard the learned Special Government Pleader appearing for the respondents who would submit that, the petitioner cannot seek for



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any appointment directly for which no direction can be given by this Court. Any how, since the representation has been given on 21.04.2017 to the respondents by the petitioner and if a copy of the said representation is forwarded, that would be considered and decided on merits by the respondents within a time frame that may be stipulated by this Court.

- (6) Considering the limited scope of the prayer sought for in this writ petition as it has been confined now that only a direction to the respondents to dispose the representation would satisfy the petitioner, this Court is inclined to dispose of this writ petition with the following order that, there shall be a direction to consider the representation submitted by the petitioner on 21.04.2017 with regard to his plea to appointment as Forest Watcher in the light of the orders passed in the earlier writ petitions and decide the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.
- (7) In this context, it is open to the petitioner to forward a copy of the said representation as well as further input if any in support of his



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contention and on receipt of the said additional input along with the copy of the representation, the needful as indicated above, shall be undertaken by the respondents.

(8) With these directions, the writ petition is **disposed of**. No costs.

02.09.2022

AP

Internet : Yes

To

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

2.The Principal Chief Conservator of Forest
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R.SURESH KUMAR, J.



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