



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.30713 OF 2013
AND M.P.NOS.1 & 2 OF 2013

1.The District Forest Officer,
Interface Forestry Division,
Krishnagiri.

2.The Conservator of Forests
Dharmapuri.

...Petitioners

Vs.

1.S.Madhaiyan

2.The Presiding Officer,
Principal Labour Court,
Salem, Salem District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent in I.D.No.132 of 2007 dated 03.06.2013 and quash the same.

For Petitioners : Mr.T.Arunkumar
Additional Government Pleader (Forests)

For Respondents : Mr.M.R.Jothimanian [R1]
R2 - Court

ORDER

The first respondent/workman was appointed as a Plot Watcher in the Forest Department on 09.11.1985. The Government had issued an order in G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 for appointment of Forest Watchers in the regular post, among the Plot Watchers, from the state wide seniority list of Plot Watchers. Admittedly, the name of the workman finds place in the state wide seniority list.

2. The case of the workman is that he was orally terminated on 08.09.1989. Aggrieved against the termination, the workman raised an Industrial Dispute in I.D.No.132 of 2007 before the

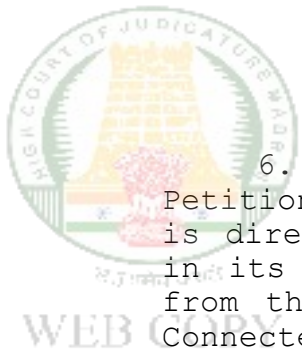


Labour Court, Salem and by an Award dated 03.06.2013, the workman was directed to be paid back wages, together with continuity of service and other monetary benefits. His claim for reinstatement had become infructuous, since the Forest Department had already reinstated him into service.

3. The present workman is a part of various other similarly placed Plot Watchers/Tending Watchers in the Forest Department, whose services were orally terminated and when these similarly placed Forest Watchers had challenged the oral termination before the Labour Court, Awards were passed in their favor, which came to be challenged by the Forest Department before this Court in a batch of Writ Petitions in W.P.No.24601 of 2005 etc., and by an order dated 08.08.2011, all these writ petitions were dismissed. The further appeals made by the Department in W.A.Nos.2183 to 2188 of 2012 etc., before the Division Bench and SLP (Civil) Nos.24930 to 24958 of 2013 before the Supreme Court, were also dismissed on 17.10.2012 and 30.06.2014 respectively. Following these orders passed in the batch of writ petitions, the challenge made to other Awards of the Labour Court in similarly placed cases were also dismissed by this Court, in which the case of 'Management, The Conservator of Forest Vs. V.Devendran and another' passed in W.P.No.7914 of 2011 dated 29.03.2019, is one. The relevant portion of the above said order reads as follows:-

..... "5. In similar circumstances, the plot watchers have approached the labour court for regularising their employment and their disputes were allowed, against which a batch of writ petitions have been filed by the department before this Court in W.P.No.24601 of 2005 etc., This Court, dismissed the entire batch of writ petitions filed by the department on 08.08.2011, against which Writ Appeals were filed in W.A.Nos.2183 of 2012 etc., and the appeals were also dismissed by the Division Bench of this Court on 17.10.2012. The department, further approached the Honourable Supreme Court of India in S.L.P.(C) Nos.24930 to 24939 of 2013 and the Honourable Supreme Court dismissed all the S.L.Ps filed by the department by an order dated 30.06.2014.

6. Learned counsel for the petitioner / forest department has not disputed the above narration of facts. However, he submitted that the issue whether the forest department comes within the definition of industry or not was not decided and therefore, the award by the labour court needs to be interefered with by this Court. In any event, such a submission cannot be appreciated at this stage, in view of the similar awards being challenged by the forest department in a



6. Accordingly, this Court finds no merits in the Writ Petition and the same is dismissed. The petitioner/Department is directed to implement the Award passed by the Labour Court, in its letter and spirit, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Presiding Officer
Principal Labour court
Salem, Salem District.
- 2.The District Forest Officer,
Interface Forestry Division,
Krishnagiri.
- 3.The Conservator of Forests,
Dharmapuri.

W.P.No.30713 of 2013

RP(CO)
RVM(05/04/2022)