



WEB COPY



W.P.No.24894 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2022

CORAM :

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.24894 of 2022

N.Karnan

Vs.

.. Petitioner

1. Government of Tamil Nadu
Rep. by its Secretary
Environment and Forest Department
Fort St. George
Chennai 600 009.

2. The Principal Chief Conservator of Forests
Panagal Building, Saidapet
Chennai - 600 015.

3. The District Forest Officer
Chengalpet Division
Chengalpet.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the second respondent dated 07.01.2011 and



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confer all consequential benefits including pension benefits based on the petitioner's representation dated 12.08.2022.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus to direct the respondents to appoint the petitioner as regular time scale Forest Watcher taking into account of the seniority and qualification, on par with the juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the second respondent dated 07.01.2011 and confer all consequential benefits including pension benefits based on the petitioner's representation dated 12.08.2022.

2. The claim of the petitioner is that, the petitioner had been engaged initially on 01.06.1986 as Plot Watcher on daily wage basis and in that capacity, he claimed to have worked till



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31.08.2009. Thereafter, he was brought under regular appointment as Forest Watcher with effect from 10.12.2014 by bringing him under the special time scale of pay. After working in that capacity for some years, the petitioner retired on superannuation on 31.10.2021.

3. In this regard, the petitioner's grievance is that, his service should be calculated from his initial appointment or engagement and based on which, all the services and retirement benefits including the pensionary benefits should be calculated and be paid to the petitioner and in this regard, the petitioner has given a representation dated 12.08.2022 to the respondents, since the said representation has not been considered, he has approached this Court by filing the present writ petition.

4. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents.

5. Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents would submit that, if any orders passed some time in 2010, the persons like the petitioner, who



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can be called as fence sitters, cannot be entertained to come before this Court after more than a decade to seek for such grant of benefits. These kinds of belated approach in the Court of Law has already been deprecated by number of judgments of the Hon'ble Supreme Court.

6. That apart, insofar the petitioner's case is concerned, whether he is engaged initially from 1986 as claimed by the petitioner itself is a question and any how since the petitioner has given a representation only on 12.08.2022, without giving breathing time to the respondents to consider, the petitioner immediately rushed to the Court. On that ground also this writ petition is liable to be rejected he contended.

7. I have considered the rival submissions made by the learned counsel appearing for both sides, especially the submission of the learned Additional Government Pleader appearing for the respondents.

8. Though the representation has been submitted only last month i.e., on 12.08.2022, the petitioner since has come to this



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Court within a month period, the submissions made by the learned Additional Government Pleader that no breathing time has been given to the respondents to consider the representation is appealing to this Court. Instead of rejecting this writ petition on the said ground, this Court feels that, a quietus can be given to the plea raised by the petitioner in his representation dated 12.08.2022, by considering the same by the respondents by passing orders thereon on merits within a time frame stipulated by this Court.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the respondents, especially the second respondent to consider the representation of the petitioner dated 12.08.2022 and pass orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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R.SURESH KUMAR,J.

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(mp/drm)

10. With this direction, this writ petition is disposed of. No costs.

15.09.2022

Index : Yes/No
drm/mp

To

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