



WEB COPY



WP No.26116 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.26116 of 2019

Rangasamy

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Petitioner

VS.

1.The Secretary to Government,
Forest Department,
Fort St. George,
Chennai-600 009.

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

3.The Conservator of Forests,
Coimbatore Forest Division,
North Coimbatore,
Coimbatore.

4.The District Forest Officer,
Coimbatore Division,
Coimbatore-641 043.

5.The District Collector,
Coimbatore.

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Respondents



WP No.26116 of 2019

WEB COPY

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to reinstate the petitioner with back wages and all benefits of service by considering petitioner's representation dated 18.02.2016.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.K.H.Ravikumar,
Government Advocate.

ORDER

The writ petitioner was engaged as a Casual Labourer in the Forest Department in the year 1976. When the writ petitioner was working as a Casual Labourer, a criminal case was registered against him and the said case ended with an order of acquittal. Thereafter the petitioner was not reported for duty.

2. The writ petitioner filed O.A.No.5815 of 1997 and the Tribunal directed the Principal Conservator of Forests to consider the representation submitted by the writ petitioner on 21.02.1997 and pass



WP No.26116 of 2019

orders within a period of two months.

WEB COPY

3. The grievance of the writ petitioner is that the order passed by the Tribunal has not been complied with and therefore, the writ petitioner has filed the present writ petition in the year 2019.

4. The learned Government Advocate, appearing on behalf of the respondents made a submission that the petitioner has not worked for 15 years as he stated. He was engaged as Casual Labourer and served for about 5 years and 25 days in various Departments and the details of his service particulars are extracted as under:-

Sl.No.	Date from which he worked	Date up to the period worked	Total Duration of Working Period
1.	01.08.1981	30.09.1981	2 months
2.	01.10.1981	30.07.1983	Not Worked
3.	01.08.1983	30.09.1987	4 Years and 2 Months
4.	01.10.1987	07.09.1990	Not Worked
5.	08.09.1990	03.06.1991	8 Months 25 days
	Total Service		5 Years, 25 days



WP No.26116 of 2019

WEB COPY

5. The petitioner was not attending the duty from 04.06.1991 and after a lapse of about 7 years, he filed the application before the Tamil Nadu Administrative Tribunal and the Tribunal directed the respondents therein to consider the representation and pass orders. Accordingly, the representation submitted by the writ petitioner was considered and an order was passed in proceedings dated 30.05.2016 and the petitioner was found not eligible for providing further engagements since he had not completed 10 years of service.

6. As per the respondents, the petitioner has served for about 5 years and 25 days. The reason for non-consideration has been stated in paragraph-6 of the counter, which reads as under:-

“6. Hence, it is respectfully submitted that the petitioner has no right to claim reinstatement as “Forest Watcher” owing to the following reasons:-

i) He was not working as “Forest Watcher” as he claimed.



WP No.26116 of 2019

ii) He was a casual worker and has no locus standi to claim reinstatement as a right.

iii) His name was not found in State-wide Seniority List which is prepared for absorbing the workers or consolidate pay in this Department.

iv) If he is reinstated and given back wages it will have a cascading effect and thousands of such petitions will be filed since thousands of casual workers were stopped in this Department either for unbecoming trustworthy or for want of work, fund etc.”

7. The fact remains that the petitioner was not served as Casual Labourer from the year 1991 onwards. He filed the Original Application before the Tamil Nadu Administrative Tribunal after the lapse of six years in the year 1997 and the Tribunal directed only then the representation which was considered and the claim of the writ petitioner was rejected. Thus he filed the present writ petition in the year 2019 after a lapse of about 30 years from the date of filing of the present writ petition.



WP No.26116 of 2019

8. The order of rejection passed in the year 2016 has not been challenged and the learned counsel for the petitioner states that the said order was not served to the petitioner. Even otherwise also, the petitioner has not pursued the remedy, within a reasonable period of time and now after this length of time, the relief, as such, sought for in the present writ petition is not entertainable.

9. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

01-12-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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WP No.26116 of 2019

WEB COPY

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WEB COPY



WP No.26116 of 2019

S.M.SUBRAMANIAM, J.

Svn

WP 26116 of 2019

01-12-2022