



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10225 of 2017
and
W.M.P.No.11176 of 2017

V.Jayaprakash

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai-600 009.

2. The Principal Chief Conservator of Forests,
15, Jeenis Road,
Panagal Building,
Saidapet, Chennai-15

3. The Conservator of Forests,
Salem Circle, Salem District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to regularise the service of the petitioner in the post of Plot Watcher as per the proposal sent by the 3r respondent dated 10.09.2014.



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For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.K.H.Ravi Kumar
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to regularise the services of the writ petitioner in the post of Plot Watcher as per the proposal sent by the third respondent dated 10.09.2014.

2. The petitioner states that he is serving as a Plot Watcher for about 25 years. He joined as Plot Watcher on 02.01.1991 and was working as such on temporary basis. The petitioner states that he is entitled for regularisation as per the Government order issued in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 22.02.2006. However, the third respondent sent a proposal to the second respondent to consider the case of the writ petitioner for grant of regularisation and the said proposal was not considered and therefore, the petitioner is constrained to move the present writ petition.



3. The learned counsel for the petitioner mainly contended that the petitioner has served for about 25 years as a Plot Watcher on temporary basis. The case of the similarly placed Plot Watchers were considered and their names were included in the state wide seniority list, published by the Department and the benefit of the regularisation and permanent absorption was granted to all those temporary Plot Watchers and thus, similar benefits have to be extended to the petitioner also.

4. The learned Government Advocate appearing on behalf of the respondents objected to the said contentions by stating that the proposal dated 10.09.2014 is an interdepartmental communication between the third respondent and the second respondent. The proposal reveals the factual aspects which cannot be conclusive and the competent authority/the second respondent has to verify the service records and take a decision. The second respondent, based on the proposal, verified the service records of the writ petitioner and found that the petitioner is not eligible for inclusion of his name in the state wide seniority list, since, he did not serve continuously as he had breaks during his service tenure.



5. In this regard, it is relevant to consider the fact that the Government issued a G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, to grant the benefit of regularisation to 3,058 workers, who had served more than 10 years continuously. Accordingly, Supernumerary posts were created in the cadre of Plot Watchers and a special time scale of pay of Rs.2,500-5,000, with grade pay of Rs.500/-, from the date on which the Government Order was issued, were constituted. In the said supernumerary post, all the eligible Plot Watcher who have completed continuous service of 10 years were absorbed and as the petitioner did not serve continuously for 10 years, his name was not included in the state wide seniority list, published by the respondents.

6. The learned counsel for the petitioner made a submission that the proposal submitted by the third respondent on 10.09.2014 was not disposed of by the second respondent. Therefore, a decision is to be taken by the second respondent with reference to the said proposal. Under these circumstances, if at all this Court issues a direction to consider the proposal and pass appropriate orders within a stipulated period, the said direction would do no service to the cause of justice. Once the respondents filed a



counter affidavit, setting out the facts and objections for grant regularisation, then this Court has to consider the issues on merits and give guidance to the issue. Contrarily, mere direction to pass orders would result in multiplicity of litigation and the petitioner would come to the Court again by way of another writ petition. This exactly is the reason why the Courts are expected to decide the issues on merits and in accordance with law in all circumstances. A mere direction to consider the representation or to dispose of the proposal would not do any service to the cause of justice and it will lead the litigant back to the Court again by way of another litigation.

7. In the present case, the petitioner has not served continuously for 10 years and his services are with breaks, therefore, his name was not included in the state wide seniority list, published by the Government, pursuant to the order passed in G.O.Ms.95 dated 07.08.2009. When the facts are disputed by the respondents in their counter and it is established that the petitioner is not eligible for inclusion of his name in the state wide seniority list, there is no reason to issue any other direction to the authorities concerned.



8. Therefore, the petitioner has not established any acceptable reason for the purpose of inclusion of his name in the state wide seniority list, which was prepared long back and therefore, this Court is not inclined to consider the relief as such sought for.

9. Accordingly, this writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2022

Index : Yes
Speaking order
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To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forests Department,
Secretariat, Chennai-600 009.
2. The Principal Chief Conservator of Forests,
15, Jeenis Road,
Panagal Building,
Saidapet, Chennai-15
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S.M.SUBRAMANIAM, J.

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