



WEB COPY



W.P. No.30914 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30914 of 2022

1. M. Manivasagam
2. M. Bhaskar
3. M. Prabhu

...Petitioners

VS.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to the Government,
Environment and Forest Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
Velachery Rd,
Guindy,
Chennai,
Tamil Nadu 600 032.

3. Additional Chief Conservator of Forest,
Arignar Anna Zoological Park,
Vandalur,
Chennai – 600 048.

4. The Deputy Director,
Arignar Anna Zoological Park,
Chennai – 600 048.



W.P. No.30914 of 2022

5. The Wildlife Warden,
Wildlife Division,
Chennai – 600 022.

...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 petitioners as driver from the date of initial appointment in the light of W.P. (MD) No.11106 of 2013, dated 12.07.2017 confirmed in W.A. (MD) No.686 of 2017, SLP No.29276 of 2018, dated 04.09.2018 implemented vide G.O. Ms. No.03 Environment and Forest Department, dated 11.01.2019, order made in W.P. No.2650 of 2019 etc. dated 12.06.2019, for 10 Drivers “similarly placed as that of the petitioner confirmed in order made in W.A. No.391 of 2020 etc., as against W.P. No.2650 of 2019 etc., and implemented vide G.O. Ms. No.8 Environment and Forest (FR.2II) Department dated 22.01.2021 with all consequential service and monetary benefits.

For petitioners : Ms. T. Dharani
For respondents : Dr.T. Seenivasan
Spl. Govt. Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Dr.T. Seenivasan, learned Special Government Pleader accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to regularise the services of the petitioners as Drivers from the date of their initial appointment in the light of W.P. (MD) No.11106 of 2013, dated 12.07.2017 confirmed in W.A.(MD)



W.P. No.30914 of 2022

No.686 of 2017 and SLP No.29276 of 2018, dated 04.09.2018, implemented vide G.O. Ms. No.03 Environment and Forest Department, dated 11.01.2019, Order made in W.P. No.2650 of 2019 etc. dated 12.06.2019, for 10 Drivers similarly placed as that of the petitioner confirmed in the order made in W.A. No.391 of 2020 as against W.P. No.2650 of 2019 etc., and implemented vide G.O. Ms. No.8 Environment and Forest (FR.2II) Department, dated 22.01.2021.

4. The 1st petitioner claims that he has been in service from 01.07.2008, the 2nd petitioner claims that he has been in service from 06.08.2006 and the 3rd petitioner claims that he has been in service from 06.09.2006 respectively. Having worked as Drivers for more than 14 years, the respective petitioners seek for regularisation of their services. The petitioners also rely upon the aforementioned orders in support of their cases. Since they have not been regularised till date, they have filed this writ petition.

5. Heard Ms.T. Dharani, learned counsel for the petitioners and Dr.T.Seenivasan, learned Special Government Pleader for the respondents.

6. The learned Special Government Pleader appearing for the respondents has placed before this Court the instructions received from



W.P. No.30914 of 2022

the Additional Principal Chief Conservator of Forests and Director, Chennai - 600 048, dated 19.11.2022 and he would submit that as per the instructions, the proposal with regard to the petitioners claim is under consideration. He seeks twelve weeks time as per the said instructions received by him for passing final orders on the petitioners' representations.

7. No prejudice would be caused to the respondents, if a direction is issued to the respondents to pass final orders on merits and in accordance with law on the petitioners' representations, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The 1st and 3rd petitioners have given representations on 05.8.2022 and the 2nd petitioner has given a representation on 18.10.2022 to the respondents.

9. For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on the 1st and 3rd petitioners representations, dated 05.08.2022 and the 2nd petitioner's representation, dated 18.10.2022 seeking for regularisation of their respective services as Drivers on merits and in accordance with law from the date of receipt of a copy of this order.



W.P. No.30914 of 2022

10. While passing final orders, the orders relied upon by the petitioners, which is reflected in the opening paragraph of this order shall be considered by the 2nd respondent.

11. With the aforesaid directions, this writ petition stands disposed of. No costs.

21.11.2022

(2/2)

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to the Government,
Environment and Forest Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
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3. Additional Chief Conservator of Forest,
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W.P. No.30914 of 2022

ABDUL QUDDHOSE, J.

vsi2

4.The Deputy Director,
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Chennai – 600 048.

5. The Wildlife Warden,
Wildlife Division,
Chennai – 600 022.

W.P. No.30914 of 2022

21.11.2022

(2/2)