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W.P.No.30408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.30408 of 2022

1.G.Guruvanandam
2.M.Karunakaran

... Petitioners

Versus

1.The Government of Tamil Nadu
Represented by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai-600 009.

2. The Principal Chief Conservator of Forests,
Panagal Mallilgai, Jeenis Road,
Saidapet, Chennai-015.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents to regularise the service of petitioners after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family pension in the light of the Hon'ble Supreme Court judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and order in WP No.19023 of 2021 dated 09.09.2021 confer all consequential pensionary benefits by the way of considering our joint representation to the respondents dated 18.03.2022.

For Petitioners : Mr.S.Mani
For Respondents :Mr.K.H.Ravikumar
Government Advocate



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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to regularise their service on par with others with effect from the date of completion of their ten years.

2. The petitioners have been regularised as Plot Watchers (supernumerary)/Forest watchers on various dates between 07.08.2009 and 22.01.2014. They have also got superannuated . However, according to them, the persons, who were appointed in the very same year, have been treated differently by the respondents as they have been regularised immediately on completion of their 10 years service. The petitioners state that if they were regularised immediately on completion of their ten years service, they will be getting better pensionary benefits. Only for the said purpose, they have given joint representation on 18.03.2022 to the respondents requesting for regularising their service on national basis with effect from the date when they completed 10 years of their service to enable them to get higher pensionary benefits. Since the representation has not been considered till date, they have filed this writ petition.

3. Heard Mr.S.Mani, learned counsel appearing for the petitioner and

Mr.K.H.Ravi Kumar, learned Government Advocate accepts notice on behalf



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of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Government Advocate appearing for the respondents would submit that the petitioners have all been superannuated and they were regularised between 2009 and 2014 and they have not approached this Court immediately after they were regularised into service and therefore, on the ground of laches, the present writ petition is not maintainable. He would further submit that there is no acknowledgement produced by the petitioners to show that the representation was duly acknowledged by the respondents. The statement made by the learned Government Advocate appearing for the respondents is recorded. However, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioners are allowed to give a fresh representation and the respondents are directed to consider the same on merits and in accordance with law within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the petitioners to submit a fresh representation to the respondents to regularise their services from the date of their initial appointment as Plot Watchers/Forest Watchers on daily wage basis for the purpose of getting pension and family pension within a



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period of two

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ABDUL QUDDHOSE, J.

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weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall pass final orders on merits and in accordance with law within a period of twelve weeks thereafter.

With the aforesaid direction, the writ petition is disposed of. No costs.

16.11.2022

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Index: Yes/No

Speaking Order/Non-Speaking Order

To

- 1.The Secretary,
Government of Tamil Nadu.
Environment and Forest Department,
Fort St.George, Chennai-600 009.
2. The Principal Chief Conservator of Forests,
Panagal Mallilgai, Jeenis Road,
Saidapet, Chennai-015.

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