



W.P.No.31447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31447 of 2022

M. Samidurai

.. Petitioner

Vs.

1.The 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,
Environment and Forest Department,
Office at Panagal Maligai,
Saidapet, Chennai – 600 015.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to regularize the petitioner's service in the cadre of Forest Watcher for purpose of getting minimum pension/Family pension by giving relaxation in respect of height on par junior namely Mr.P. Karuppiah S.No.4608 with effect from 24.01.1995 in the light of the order passed by this Court in W.P.No.23647 of 2013 dated 12.09.2014 same was affirmed by Division Bench in W.A.No.2072 of 2018 dated 11.08.2021 and implementation order passed by the 1st respondent in G.O.(2D) No.09 Environment, Climate Change and



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Forest (FR.2(II)) Department dated 08.02.2022 basis of his representation dated 18.03.2022 within a time limit that may be fixed by this Court.

For Petitioner : Mr.S. Mani

For Respondents : Mr.T. Seenivasan,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to regularize the petitioner's service in the cadre of Forest Watcher for the purpose of getting minimum pension/family pension by giving relaxation in respect of height on par with his junior namely P.Karuppiah, Serial No.4608 with effect from 24.01.1995 in the light of the order passed by this Court in W.P.No.23647 of 2013 dated 12.09.2014 affirmed by the Division Bench in W.A.No.2072 of 2018 dated 11.08.2021 and by implementation of G.O.(2D) No.09 Environment, Climate Change and Forest (FR.2(II)) Department, dated 08.02.2022, within a time frame to be fixed by this Court.



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2. Heard Mr.S. Mani, learned counsel for the petitioner. Mr.T.Seenivasan, learned Special Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that he has to be regularized in service as Forest Watcher along with his junior as per the aforementioned orders passed by this Court as well as the aforementioned Government Order. According to the petitioner, despite several representations, he has not been regularized as per the aforementioned orders passed by this Court. In the said circumstances, he has filed this Writ Petition.

4. At the outset, the learned Special Government Pleader appearing for the respondents would submit that the petitioner will have to give a fresh representation and once such a representation is given, the respondents shall consider the same on merits and in accordance with law in the light of the aforementioned orders passed by this Court and the aforementioned Government Order.



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5. No prejudice will be caused to the respondents, if the petitioner is allowed to give a fresh representation and a direction is issued to the respondents to consider the same on merits and in accordance with law in the light of the aforementioned orders passed by this Court and in the light of the aforementioned Government Order.

6. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the first respondent seeking regularization of his service as Forest Watcher by giving relaxation in respect of the height on par with his junior namely P.Karuppiah, Serial No.4608 with effect from 24.01.1995, in the light of the order passed by this Court in W.P.No.23647 of 2013 dated 12.09.2014 affirmed by the Division Bench in W.A.No.2072 of 2018 dated 11.08.2021 and by implementation of G.O.(2D) No.09 Environment, Climate Change and Forest (FR.2(II)) Department, dated 08.02.2022, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law, in the light of the aforementioned orders passed by this Court as well as the aforementioned G.O., within a period of twelve (12) weeks thereafter.



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7. With the aforesaid direction, this Writ Petition stands disposed of.

No costs.

24.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

1. Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
Environment and Forest Department,
Office at Panagal Maaligai,
Saidapet, Chennai – 600 015.



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ABDUL QUDDHOSE,J.

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