



WEB COPY



W.P. No.33547 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33547 of 2022

M.Pathmanathan

... Petitioner

VS.

1. Government of Tamilnadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George,
Chennai - 600 009.

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

... 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 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 Hon'ble Supreme Court judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and Order in WP No.27299 of 2022 dated 17.10.2022 confer all consequential pensionary benefits by way of considering joint representation to the respondents dated 18.03.2022.

For petitioner : Mr.S.Mani
For respondents : Mr.Stalin Abimanyur
AGP



W.P. No.33547 of 2022

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to regularise the service of the petitioner on par with others with effect from the date of his initial appointment as Plot Watcher.

2. The petitioner was appointed as a Plot Watcher on 01.04.1994 and was brought under regular time scale of pay from 07.08.2009. However, according to the petitioner, 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 of service. The petitioner states that if he was regularised immediately on completion of his ten years service, he will be getting better pensionary benefits. Only for the said purpose, the petitioner has given representation on 18.03.2022 to the respondents requesting for regularising his service on notional basis with effect from the date when he completed 10 years of service to enable him to get higher pensionary benefits. Since the representation has not been considered till date, he has filed this writ petition.



W.P. No.33547 of 2022

3. Heard Mr.S.Mani, learned counsel appearing for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, the main writ petition has been taken up for final disposal.

4. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has been superannuated and he has not approached this Court immediately after he was 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 petitioner to show that the representation was duly acknowledged by the respondents. The statement made by the learned Additional Government Pleader 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 petitioner's representation as stated supra is considered 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 first respondent to pass final orders on merits and in accordance with law on



W.P. No.33547 of 2022

ABDUL QUDDHOSE, J.

WEB COPY

sr

the petitioner's representation dated 18.03.2022, seeking for regularisation of his service on par with others immediately on his completion of 10 years on notional basis to enable him to get higher pensionary benefits within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition is disposed of. No costs.

13.12.2022

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

1. The Secretary,
Government of Tamilnadu,
Environment and Forest Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

W.P. No.33547 of 2022