



W.P.(MD)No.4185 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4185 of 2020

N.Sukumar

... Petitioner

Vs.

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

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

3. The District Forest Officer,
Thanjavur Forest Division,
Thanjavur,
Thanjavur District.

... Respondents



W.P.(MD)No.4185 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner and regularise his service on the basis of seniority without insisting ten years of continuous service in the light of the order made in W.A.No.887 of 2010 dated 29.04.2011 and Na.Ka.No. 2648/Aa1/2008, dated 30.04.2012 on the basis of his representation dated 01.08.2019.

For Petitioner : Mr.L.Kanna Patel
For Respondents : Mr.A.Baskar
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to appoint the petitioner and regularise his service on the basis of seniority without insisting ten years of continuous service in the light of the order made in W.A.No.887 of 2010, dated 29.04.2011 and Na.Ka.No. 2648/Aa1/2008, dated 30.04.2012 and on the basis of his representation, dated 01.08.2019.



W.P.(MD)No.4185 of 2020

WEB COPY

2. The case of the petitioner is that the petitioner was working as Plot Watcher in Social Forest Range, Pudukkottai of Trichy Social Forestry Division with effect from 01.02.1982 and till date, his services have not been regularised. Further, the Hon'ble Division Bench of the Principal Seat of this Court in W.A.No.887 of 2010 and W.P.No.9750 of 2010, dated 29.04.2011, directed the respondents therein to implement the order in G.O. (Ms)No.95, dated 07.08.2009 on the basis of the Statewide Seniority List without insisting ten years of continuous service. The petitioner's name has been included in the Seniority List in Serial No.2323, but, however, the name of one Matchakalai has not been included in the Seniority List. He further submitted that, already the said Matchakalai, filed a Writ Petition before the Principal Seat of this Court in W.P.No.10152 of 2015 challenging the rejection of inclusion of Seniority List, dated 28.01.2015 and the said Writ Petition was withdrawn on 11.08.2022. Hence, this Court, may issue a direction to the respondents to consider the petitioner's representation without insisting ten years of continuous service in the light of the judgment of the Hon'ble Division Bench of the Principal Seat of this Court.



W.P.(MD)No.4185 of 2020

WEB COPY

3. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

4. It is seen that the said Matchakalai filed a Writ Petition before the Principal Seat of this Court in W.P.No.10152 of 2015 challenging the rejection of inclusion of Seniority List dated 28.01.2015. Thereafter, he also filed a Writ Petition before this Court in W.P.(MD)No.4184 of 2020, which came to be dismissed as withdrawn on 19.11.2020. However, W.P.No.10152 of 2015 also came to be dismissed as withdrawn on 11.08.2022.

5. Insofar as W.P.(MD)No.4185 of 2020 is concerned, the petitioner's name has already been included in the Statewide Seniority List in Serial No.2323. Hence, there is no legal impediment for the respondents for issuing a direction to consider the petitioner's claim for regularisation without insisting ten years of service in terms of judgment in W.A.No.887 of 2010 and W.P.No.9750 of 2010, dated 29.04.2011. In this regard, it is relevant to refer to the judgment of the Hon'ble Division Bench, which reads as under:



WEB COPY



W.P.(MD)No.4185 of 2020

"..... 36. The respondents are directed to implement the order in G.O.Ms.No.95 dated 7 August 2009 on the basis of the Statewide Seniority list without insisting ten years of continuous service. Such exercise shall be completed within a period of three months from the date of receipt or production of a copy of this judgment."

6. In view of the above, there shall be a direction to the respondents to consider the petitioner's claim with regard to regularisation in terms of the judgment of the Hon'ble Division Bench of the Principal Seat of this Court and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

08.12.2022

Index : Yes / No
Speaking Order : Yes / No
vji



W.P.(MD)No.4185 of 2020

WEB COPY

To

1. The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Thanjavur Forest Division,
Thanjavur,
Thanjavur District.



WEB COPY



W.P.(MD)No.4185 of 2020

M.DHANDAPANI,J.

vji

W.P.(MD)No.4185 of 2020

08.12.2022