



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.10323 of 2020

M.Deva Asirvatham

: Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by the Secretary to Government,
Forest and Environment 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 seeking issuance of Writ of Mandamus directing the respondents to regularize the petitioner as Regular Time Scale of Forest Watchers, taking into account of his seniority and qualification, on par with his Juniors by considering his representation dated 15.05.2019, in the light of the order passed in WP.No.15561 of 2006, dated 10.03.2008, WA.No.690 of 2008, dated 13.10.2009, WP.No.23374 of 2008, dated 30.10.2009 and WA.No.607 of 2010 dated 20.03.2010 and confer all consequential benefits, within a stipulated time limit.

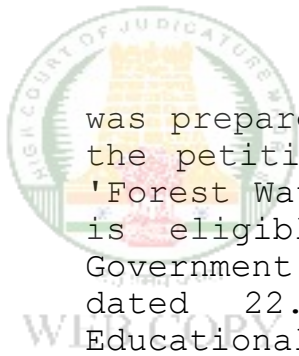
For Petitioner : Mr.G.Chandrasekar

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The petitioner was employed as Social Forestry Worker in the Forest Department on 30.07.1983, on daily wage basis. In the year 1994, the Government of Tamil Nadu has proposed to bring all Plot Watchers / Social Forestry Workers engaged on daily wage basis into regular time scale of pay. Accordingly, a State wide seniority list



was prepared and the petitioner was placed at no.2913. According to the petitioner, the qualification for the next promotional post - 'Forest Watcher' is the ability to 'read and write' and as such, he is eligible for the same. But, the Government has issued a Government Order in G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, prescribing SSLC as the minimum General Educational Qualification. Aggrieved over the same, several Original Applications were filed before the Tamil Nadu Administrative Tribunal in O.A.No.197 of 1995, etc., batch and the Tribunal has stayed the operation of the Government Order, by order dated 24.01.1995.

3. According to the petitioner, before the stay of the Government Order, some of his Juniors, who have completed SSLC were regularized and were given promotion as Forest Watchers. Thereafter, the Government has issued another order in G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, cancelling the earlier Government Order in G.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994. Therefore, the qualification required for bringing the daily wage Plot Watchers / Social Forestry Workers is 'the ability to read and write'. Thereafter, a fresh seniority list was prepared in the year 1999 and in that list, those persons, who were Juniors to the petitioner and who were given the benefit in the year 1994, ought to have been included by placing them below the petitioner and the petitioner ought to have been given the benefit notionally before them. But it was not done.

4. The grievance of the petitioner is that he was given regular time scale of pay only in the year 2009, whereas, his juniors were given the said benefit in the year 1994 itself, based on an Government Order, which was no longer in existence. Therefore, he has filed this writ petition seeking a direction to the respondents to regularize him as Regular Time Scale of Forest Watcher, by taking into account of his seniority and qualification, on par with his Juniors, in the light of several judgments passed by this Court.

5. When the matter is taken up for hearing today, learned Counsel for the petitioner submitted that it would suffice if the representation of the petitioner dated 15.05.2019 is directed to be disposed of, within a stipulated time limit.

6. Considering the facts and circumstances of the case and the limited scope of the relief now sought for, this Court, without expressing anything on the merits of the case, directs the respondents to consider the representation of the petitioner dated 15.05.2019 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7.With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

To

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

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

+1 CC to M/s.M/S.G.CHANDRASEKAR, Advocate (SR-925[F] dated
10/01/2022)

+1 CC to M/s.SPL GP (SR-1255[F] dated 11/01/2022)

W.P. (MD)No.10323 of 2020
07.01.2022

MGJ(01.03.2022) 3P 5C