



W.P.(MD) No.5663 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5663 of 2019
and W.M.P.(MD).Nos.4475 & 4476 of 2019

B.Allah Baksh

.. Petitioner

Vs.

**1.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai – 15.**

**2.The Conservator of Forests,
Dindigul Circle,
Dindigul District.**

**3.The District Forest Officer,
Chief Plantation Project,
Karur.**

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records on the file of the 1st respondent impugned order vide Na.Ka.No.2790/2014/Pa2, dated 14.09.2018 and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary.



W.P.(MD) No.5663 of 2019

WEB COPY

For Petitioner : Mr.K.Kevinkaran

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner herein was appointed as a Plot Watcher on 01.07.1987 through the District Employment Exchange on consolidated salary. Prior to that, he was working on consolidated salary from the year 1983. When a decision was taken by the Chief Conservator of Forests, Trichy, to terminate these Plot Watchers, he had filed an application in O.A.No.3890/1990, before the Tamilnadu Administrative Tribunal, whereby, the respondents were directed to sanction regular post to the persons, who were similarly placed with that of the petitioner, together with other guidelines. Accordingly, the first respondent herein had appointed the petitioner and others as Forest watchers on 01.12.2014, since his name was included in the State wide seniority list. However, without any notice or reason, his appointment came to be cancelled on 09.12.2014.

2.When this order was challenged before this Court on the ground of violation of principles of natural justice, in W.P.(MD).No.3101 of 2015, the



W.P.(MD) No.5663 of 2019

WEB COPY

order was set aside and the respondents were directed to reconsider the petitioner's case. In continuation of the order of this Court, the present impugned order, dated 14.09.2018, has been passed by placing reliance on the proceedings of the Principal Chief Conservator of Forests, dated 01.12.2014. As per the impugned order, it is claimed that the petitioner did not possess the required qualification and since he had discontinued from services from the year 1990, his allotment order was cancelled.

3.The impugned order is once again in violation of the principles of natural justice. Earlier, when the petitioner's name was included in State wide seniority list and through the orders of the Principal Chief Conservator of Forests, dated 01.12.2014, all the Authorities were directed to appoint the petitioner for the post of a Forest watcher, it was cancelled on 09.12.2014, without assigning any reason.

4.In the order passed by this Court in W.P.(MD).No.3105 of 2015, dated 02.02.2018, the cancellation order was set aside, solely on the ground that it was in violation of principles of natural justice and the respondents were



W.P.(MD) No.5663 of 2019

called upon to reconsider the petitioner's case. However, even now, the respondents did not give any opportunity to the petitioner to put forth his case. The order impugned in the writ petition does not evidence that such opportunity was extended to the petitioner. Thus, the present impugned order is also in violation of principles of natural justice.

5.This apart, the reason assigned in the impugned order is that the petitioner did not possess the required qualification, when he was in service at the time of earlier consideration and that he was discontinued from service from 19.09.1990. Such a reason is also against the proceedings of the respondents themselves. As per the recommendation of the Principal Chief Conservator of Forests, dated 01.12.2014, the petitioner's candidature was proposed for appointment to the post of Forest watcher, since he had completed ten years of service and his name was also found in the State wide seniority list. If that be so, the same authority cannot once again revert back to certain aspects that existed prior to inclusion of the petitioner's name in the State wide seniority list, as well as their own recommendation for appointment as a Forest watcher. Thus, the only reason assigned in the impugned order is



W.P.(MD) No.5663 of 2019

WEB COUNTER also invalid.

6. In fine, the order impugned requires to be set aside on the ground of violation of principles of natural justice, as well as on the ground that the reason assigned by the respondents in the impugned order is contrary to their own earlier proceedings for including the petitioner in the State wide seniority list and recommending his name for appointment to the post of Forest Watcher.

7. Accordingly, the impugned order passed by the first respondent vide Na.Ka.No.2790/2014/Pa2, dated 14.09.2018, is set aside. Consequently, there shall be a direction to the first respondent herein to pass orders appointing the petitioner as a Forest watcher, from the date his immediate junior was appointed under the proceedings of the Principal Chief Conservator of Forests, dated 01.12.2014, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD) No.5663 of 2019

WEB COPY 8. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order
TM

To

- 1.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai – 15.
- 2.The Conservator of Forests,
Dindigul Circle,
Dindigul District.
- 3.The District Forest Officer,
Chief Plantation Project,
Karur.



WEB COPY



W.P.(MD) No.5663 of 2019

M.S.RAMESH,J.

TM

W.P.(MD) No.5663 of 2019

16.08.2022