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W.P. No.1140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.1140 of 2023

1. R. Mani

2. T. Arumugam

.. Petitioners

VS.

1. 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,
Panagal Maaligai,
Jeenis Road,
Saidapet,
Chennai – 15.

3. The District Forest Officer,
Villupuram District.

4. The District Forest Officer,
Cudaloor,
Nilgris.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to pay monetary benefits from date of joining as forest watcher 26.06.2014 till 17.08.2022 of the 1st petitioner and 2nd petitioner from



W.P. No.1140 of 2023

16.05.2013 till 27.09.2017 and in the light of order passed by the Hon'ble High Court order in W.P. No.35091 of 2022, dated 03.01.2023 and Tamil Nadu Fundamental Rule 27(17) by consider the representation dated 22.12.2021 and 09.09.2022.

For Petitioners : Mr.S. Mani
For Respondents : Mr.R.U.Dinesh Rajkumar,
Addl. Govt. Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr. R.U. Dinesh Rajkumar, learned Additional Government Pleader accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus, to direct the first and second respondents to pay monetary benefits to the petitioners from the date of their joining as Forest Watchers, i.e., from 26.06.2014 till 17.08.2022 for the 1st petitioner and from 16.05.2013 till 27.09.2017 for the 2nd petitioner.



W.P. No.1140 of 2023

4. The grievance of the petitioners in this writ petition is that, even though the 1st and 2nd petitioners were regularized into service from 26.06.2014 and 16.05.2013 respectively, they have not been paid their monetary benefits from 26.06.2014 till 17.08.2022 for the 1st petitioner and from 16.05.2013 till 27.09.2017 for the 2nd petitioner.

5. This Court, by its order dated 03.01.2023 passed in W.P. No.35091 of 2022 directed the respondents to appoint the petitioner therein in the regular time scale of Forest Watcher by taking into account his seniority and qualification on par with his juniors in the light of the earlier orders of this Court and confer all consequential benefits, within a period of six weeks from the date of receipt of a copy of the said order.

6. The aforesaid order, according to the petitioners, was not implemented in entirety as the monetary benefits was not paid to the petitioners from 26.06.2014 till 17.08.2022 for the 1st petitioner and from 16.05.2013 till 27.09.2017 for the 2nd petitioner, though they were regularized into service, as directed by this Court in the aforestated order dated 03.01.2023.

7. In such circumstances, the petitioners have given representations on 22.12.2021 and 09.09.2022 to the respondents, requesting them to pay their monetary benefits for the aforementioned



W.P. No.1140 of 2023

period. Since the representations have not been considered till date, they have filed this writ petition.

8. Heard Mr.S.Mani, learned counsel for the petitioners and Mr.R.U. Dinesh Rajkumar, learned Additional Government Pleader appearing for the respondents.

9. No prejudice would be caused to the respondents if the petitioners' representations, as stated supra, are considered on merits and in accordance with law within a time frame to be fixed by this Court.

10. The petitioners also relied upon the Fundamental Rule 27(17) in support of their contentions that the monetary benefits will have to be paid from the date when they assumed charge as Forest Watchers. It is for the respondents to consider the same on merits and decide accordingly.

11. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioners' representations dated 22.12.2021 and 09.09.2022, seeking for payment of their monetary benefits from 26.06.2014 till 17.08.2022 for the 1st petitioner and from 16.05.2013 till 27.09.2017 for the 2nd petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P. No.1140 of 2023

12. With the aforesaid directions, this writ petition is disposed of.

No costs.

12.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2

To :

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

2. The Principal Chief Conservator of Forests,
Panagal Maaligai,
Jeenis Road,
Saidapet,
Chennai – 15.

3. The District Forest Officer,
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4. The District Forest Officer,
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W.P. No.1140 of 2023

ABDUL QUDDHOSE, J.

vsi2

W.P. No.1140 of 2023

12.01.2023

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