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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1567 of 2023

S.Rajadurai

Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St George,
Chennai – 9.

2.The Principal Chief Conservator of Forest &
Head of Forests,
Velachery Main Road,
Guindy, Chennai – 2.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to regularize the petitioner's service with effect from the date of initial appointment on 26.01.1994 as supernumerary Plot Watcher and from the date of completion of ten years of service on 26.01.2004 as **Driver** notionally for the purpose of getting pension and family pension in the light of W.P. (MD) No. 2942 / 2011 and in W.A. (MD). No. 204/2013, Cont P (MD) No. 1622 of 2015 dated 04.02.2016 and W.P. No.19023 of 2021 order dated 09.09.2021 and confer all consequential Pensionary benefits by the way of considering the



petitioner's common representation dated 05.11.2022 within time frame.

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For Petitioner : Mr.I.Kanna Patel
For Respondents : Mr.S.Haroon for
M/s.T.S.Gopalan & Co.

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 05.11.2022, wherein, the petitioner has sought for regularization of his service from the date of his initial appointment and to take that into consideration for the purpose getting pension and family pension.

2.The case of the petitioner is that he joined the Tamil Nadu Forest Subordinate Service in a temporary capacity as a Plot Watcher on full time daily wage basis. On completion of ten years of service, the petitioner was promoted as a Driver and the services of the petitioner was not regularized and ultimately the petitioner on attaining the age of superannuation has also retired from service.



3.The petitioner made a representation to the respondents on 05.11.2022 seeking for the regularization of the services of the petitioner from the date of initial appointment in order to get pension and family pension. Since the representation was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.I.Kanna Patel, learned counsel appearing on behalf of the petitioner and Mr.RU.Dinesh Rajkumar, learned Additional Government Pleader appearing on behalf of the respondents.

5.Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 05.11.2022 on its own merits and in accordance with law and a final decision shall be taken by the 2nd respondent, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.



N. ANAND VENKATESH, J.

ssr

6.This writ petition is disposed of with the above direction. No Costs.

**24.01.2023
(5/6)**

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

- 1.The Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St George,
Chennai – 9.
- 2.The Principal Chief Conservator of Forest &
Head of Forests,
Velachery Main Road,
Guindy, Chennai – 2.

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(5/6)