



WEB COPY



W.P.No.1383 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No. 1383 of 2022
and W.M.P.No.1507 of 2022

S.Faiyaz

.. Petitioner

Versus

1.The State of Tamil Nadu

Rep by the Principal Secretary to Government

Department of Environment, Forests and Climate Change

Fort St.George, Chennai – 600 009

2.The Principal Chief Conservator of Forests

Forest Department

Panagal Building

1, Geenis Road

Saidapet, Chennai – 600 015

3.The Divisional Forest Officer

Social Forestry & Extension Division

Krishnagiri – 1

Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularise the service of the petitioner as driver and pay time scale of pay from the date of appointment with all consequential service as monetary benefits on par with similarly placed persons.

For Petitioner

: Ms.M.R.Jothimanian

For Respondents

: Mr.M.Alagu Goutham

Government Advocate



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ORDER

This writ petition has been filed seeking to direct the respondents to regularise the service of the petitioner as driver and pay time scale of pay from the date of appointment with all consequential service as monetary benefits on par with similarly placed persons.

2. It is the case of the writ petitioner that he was appointed a Driver on 01.07.2010 by the third respondent and is continuously working as a driver in the Uthangarai Social Forestry and Extension Range Officer of the third respondent Division till date. The third respondent has also recommended for regularization in service vide proceedings dated 01.11.2021. Despite the same, Orders have not been passed.

3. In the counter, the third respondent took a stand that the petitioner is working as a Driver on daily wages for more than 10 years without any remarks to the satisfaction of the respondents and they also forward the service particulars of the petitioner. However, it is the contention also raised that as per the G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department dated 28.02.2006, the petitioner did not meet the yardstick



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prescribed that the petitioner should have completed 10 years of service as on 01.01.2006. Further, the petitioner is also not appointed through the Employment Exchange.

4. The learned counsel for the petitioner submitted that similarly placed person were also filed writ petitions in W.P.Nos.19456 to 19458 of 2013, wherein, this Court, by Order dated 04.09.2017 directed the respondents to regularise the service of the petitioners in the above case from the date of initial appointment with all attendant and consequential benefits and the same was also confirmed in W.A.Nos.1842 to 1844 of 2018, vide Common Judgment dated 10.01.2019. Similarly, in the W.A.No.2796 of 2018, this Court also directed the regularization of service, which is also challenged in S.L.P.(Civil).No.29276 of 2018 and the same has also been dismissed. Considering the above Order, the Government have implemented Government Orders in G.O.Ms.No.48, Environment and Forests (FR.2-II) Department dated 27.05.2019 and G.O.Ms.No.8, Environment and Forests (FR.2-II) Department dated 22.01.2021. Hence, seeks to allow this writ petition.



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5. Heard both sides and perused the materials placed on record.

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6. Having regard to the above facts that similarly situated persons are regularised and the Government Orders have also been passed, the respondents shall consider the case of the petitioner and pass orders in light of the directions earlier given by this Court in the writ petitions referred above and Government Orders passed by them. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this Order.

7. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

26.07.2023

dhk

Neutral Citation : Yes/No

Index : Yes / No

Speaking Order : Yes / No



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N.SATHISH KUMAR, J.

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