



W.P.No.9604 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.9604 of 2021

A. Kandharao

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by its Secretary to Government
Environment and Forest Department
Fort St.George,
Chennai 600 009.
2. The Principal Chief Conservator of Forest
& Head of Department,
Panagal Building
Saidapet,
Chennai 600 015.
3. The Conservator of Forests,
Coimbatore Circle,
Coimbatore.
4. The District Forest Officer,
Nilgiris Forest Division,
Mount Stuart Hill,
Udhagai 643 101.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus to direct the respondents to include the



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petitioner's name in the State wide seniority list and to appoint him as Forest Watcher on par with his junior Mr.Vazhivittan by considering his representation dated 07.10.2020 within the time frame.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The petitioner has filed the above writ petition praying for a Writ of Mandamus to direct the respondents to include the petitioner's name in the State wide seniority list and to appoint him as Forest Watcher on par with his junior Mr.Vazhivittan by considering his representation dated 07.10.2020 within the time frame.

2. The facts of the case in a nutshell:-

The petitioner was appointed as Supernumerary Plot watcher in Parsanveli Range and his initial appointment was on 01.11.1994. As per G.O.64 the petitioner's name was not included in the statewide seniority list. But the persons joined after that date in the department were included in the seniority list then and their services were regularised. Hence the petitioner



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made representation dated 20.11.2020 to the 4th respondent to include his name in the statewide seniority list and to regularise his service as Supernumerary Plot watcher. Then he filed writ petition and the same was disposed on 03.12.2012, directing respondents to consider his claim. The first respondent has issued a G.O.Ms.No.202 E & F (F-2) Department dated 18.12.2013 for regularisation of 243 workers in supernumerary post for those who have not included in the statewide seniority list and those who have completed 10 years of service. But the petitioner's service was not regularised in this G.O also. Hence he filed another writ petition along with K.Ramasamy and others for direction to the respondents to include his name in the statewide seniority list so as to enable them to get the benefit of getting cadre post of Forest Watcher. The writ petition was disposed as to directing the 2nd respondent to consider the petitioner's representation dated 15.05.2017, taking into account the recommendation made by the 3rd respondent as well as the order passed by the Government within a period of six weeks. The first respondent issued another Government Order in G.O.(2pa) No.13, Environment and Forest (Forest 2 -II) Department, dated 26.03.2018 and as per this Government order the petitioner's service was regularised as Supernumerary Plot watcher. Though his service was regularised as Supernumerary Plot Watcher. Though his service was regularised



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as Supernumerary Plot Watcher with effect from 16.04.2018, his earlier writ petitions and the recommendation made by the 3rd respondent for inclusion of his name in the statewide seniority list was not considered by the 2nd respondent. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 07.10.2020 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for the respondents submitted that he has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this



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Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 07.10.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

22.08.2023

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Index : Yes/No
Speaking Order : Yes/No



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J. SATHYA NARAYANA PRASAD, J.

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