



WEB COPY

W.P.No.33303 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2023

Coram

The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

**W.P.No.33303 of 2012
and M.P.No.2 of 2012**

M.R.Gunasekaran

... Petitioner

Versus

1. The State of Tamil Nadu
Rep.by the Chief Secretary to Government
Environment & Forest Department
Secretariat, Chennai 9
2. The Principal Chief Conservator of Forests
15, Jeenis Road,
Panagal Building,
Saidapet, Chennai – 15.
3. The District Forest Officer,
Thiruvannamalai Division,
Thiruvannamalai District.
4. The Divisional Forest Officer,
Social Forestry Division
Thiruvannamalai Division,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records on the file of the first respondent in connection with the order passed in his letter No.18400/Forest-2012-2 dated 31.10.12 and quash the



same and direct the respondents to regularise the service of the petitioner in the post of Forest Watcher or Mali or Office Assistant or Watchman as per the placement in the State Wide Seniority List noted as per G.O.Ms.No.64, dated 08.03.1999 with all monetary and service benefits with effect from the date of regularisation given to his juniors in the State Wide Seniority list.

For Petitioner	:	Mr.R.Singaravelan Senior Counsel for Mr.M.Srividhya
For Respondents	:	Mr.V.Nanmaran Addl.Government Pleader

ORDER

This writ petition has been filed to call for the records on the file of the first respondent in connection with the order passed in his letter No.18400/Forest-2012-2 dated 31.10.12 and quash the same and direct the respondents to regularise the service of the petitioner in the post of Forest Watcher or Mali or Office Assistant or Watchman as per the placement in the State Wide Seniority List noted as per G.O.Ms.No.64, dated 08.03.1999 with all monetary and service benefits with effect from the date of regularisation given to his juniors in the State Wide Seniority list.

2. The case of the petitioner is that the petitioner viz., M.R.Gunasekaran has passed SSLC and was initially selected for appointment to the post of Social Forestry Worker through the Employment



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Exchange on merits and he joined service on 13.11.1982. From the date of appointment till the date of regularisation by an order dated 29.08.2009 as per G.O.Ms.No.95, dated 07.08.2009 he was in that post and later he was posted as Plot Watcher in the same place in supernumerary position with effect from 07.08.2009. From the date of the said order till date he have been serving as Plot Watcher only and he has not been considered for regular appointment to the post of Forest Watcher/Social Forestry Worker notified as per G.O.Ms.No.64, dated 08.03.1999. The candidates included in the Statewide List after the petitioner are appointed and regularised in the Post of Forest Watcher Mali and Office Assistant. However, he was not given regular appointment to the post of Forest Watcher. His Juniors have been given regular appointment by passing him. Therefore, the petitioner has come up with the present writ petition.

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



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

5. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:

(i) the petitioner is directed to send a fresh representation to the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) on such representation being made, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

6. This Writ Petition is disposed of with the above observation and directions. No costs. Consequently connected miscellaneous petition is also closed.

22.06.2023

dpq
Index : Yes/No
Speaking Order (or) Non-Speaking Order



To
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J. SATHYA NARAYANA PRASAD, J.

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