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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9243 of 2020

R.Gopal

... Petitioner

Vs.

1.The Principal Chief Conservator of Forests
and Head of Forests Department,
Panagal Building,
Saidapet, Chennai.

2.The Conservator of Forests,
Salem Circle, Salem.

3.Soil Conservation Officer,
Mettur Soil Conservation Scheme Division,
Salem.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to include the name of the Petitioner in the appropriate place in the state-wide seniority list of Plot Watchers/ Village Social Forestry workers with reference to his date of initial engagement i.e. 09.06.1981 and without reference to the penalty of stoppage of work and to grant him all consequential benefits of retrospective regular appointment as Forest watcher and promotion to the next higher posts of Forest Guard, Forester on par with



his immediate juniors in the aforesaid list and to grant him all consequential attendant and monetary benefits within a limited time frame.

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For Petitioner : Mr.P.Kumaravel

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking writ of mandamus directing the respondents to place the name of the petitioner in the State-wide seniority list of Plot Watchers / Village Social Forestry Workers with reference to the initial date of engagement i.e., on 09.06.1981 and without reference to the penalty of stoppage of work and to grant him all consequential benefits of retrospective regular appointment as Forest watcher and promotion to the next higher posts of Forest Guard, Forester on par with his immediate juniors in the aforesaid list and to grant him all consequential attendant and monetary benefits.

2. Earlier, the very same petitioner had filed another writ petition in W.P.No.1000 of 2011 by challenging the order dated 18.07.2008 passed by the 1st respondent therein by not including the petitioners name in the State-



wide seniority list of Plot Watcher with continuity of service and to absorb him as Forest Watcher. The reason for non-inclusion of the petitioner in the above list is due to the allegation that the petitioner had failed to protect illicit cutting and felling of trees by the Forest Brigadier Veerappan. For the alleged incident, disciplinary action was initiated and he was stopped from the duty from 21.09.1997. After hearing both sides, this Court allowed the said writ petition with the following orders;

“4. The Forester has been condoned of his dereliction of duty to protect illicit felling of trees/plantation due to Veerappan episode, the Plot Watcher who was in the lower rant and who has also failed to protect the illicit felling of trees/plantation, cannot be discriminated and denied his right to be included in the State-wide Seniority List.

5. Hence, this Writ Petition is allowed and the impugned order of the first respondent in Ref.No.AB3/31366/2008 dated 18.07.2008 is set aside and the 1st respondent is directed to include the petitioner's name in the State wide Seniority List, in the appropriate place for absorption as Forest Watcher, considering his employment as



WEB COPY

W.P.No.9243 of



Plot Watcher without referring to the punishment of stopping from work from 21.09.1997 and necessary orders shall be passed by the first respondent to that effect within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

3. Since the above order has not been implemented by the respondents, the petitioner have filed the contempt petition in CONT.P.No.1790 of 2015 and the said contempt petition was closed with an undertaking that the relief obtained by the petitioner would be given effect depending on the out come of the allegations filed by the respondent. However, by considering the petitioner's case as a special case, the 1st respondent issued the following orders on 16.08.2017 by proceedings in Ref.No.LL1/5663/2011 and the crux of the order is extracted hereunder;

“In view of the reasons and circumstances mentioned above, it is hereby ordered that the petitioner's name i.e. Thiru.R.Gopal is included in the Statewide Seniority List for Plot Watchers / Village Social Forestry Workers and allotted him to Salem Circle for appointment to the post of Forest Watcher subject to the outcome of



WEB COPY

W.P.No.9243 of



*W.A.SR.No.36304 of 2015 and on consequent of
Writ Appeal in this regard in future.”*

4. However, it is stated that all these exercise will be done only subject to the out come of the writ appeal alleged to have been filed by the respondents. Despite it is mentioned during the relevant point of time that the Writ appeal in WA.SR.No.36304 of 2015 filed by the respondents is in SR stage. However, it is stated in the counter affidavit of the respondents that the writ appeal in WA.SR.No.36304 of 2015 is pending and the petitioner has been appointed as a Forest Watcher by an order dated 16.08.2017 in Ref.No.LL1/5663/2011. Without even getting the writ appeal numbered, the respondents have managed to not comply the orders of this Court, which has been passed for the benefit of the petitioner as early as on 18.09.2014.

5. Now it is contended by the respondents that the petitioner was removed from service as he had produced false Transfer Certificate. It is submitted by the respondents that as per the information obtained from the School Register, the petitioner's father's name is found different and the Enrolment Register of the said School does not have petitioner's name. Further, the petitioner claims that he continues to be in service and the above



allegation that the petitioner had produced the false Transfer Certificate, was not informed to him.

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6. For the post of Plot Watcher no educational qualification is required and it is sufficient if the person concerned knows reading and writing. Therefore, it is an unnecessary exercise on the part of the respondents to scrutinise the educational qualifications or the School certificates of the petitioner. The conduct of the respondents would only crystallise the fact that there is no willingness to comply the order of this Court in its letter and spirit.

7. Only because the respondents had given an undertaking to comply the order at least on temporary basis till the disposal of the writ appeal, no further action has been taken in the contempt petition. The delay is caused from the year 2015 and the writ appeal is still in the SR stage. That would only show that there is no serious action taken by the respondents. Since the petitioner's interest has already been protected in terms of the order of this Court, he is at liberty to approach the competent authority by submitting all the facts along with the order and get appropriate orders for not complying with the orders of this Court.



WEB COPY

W.P.No.9243 of



8. Accordingly, this Writ Petition stands disposed of. No costs.

29.11.2023

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

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and Head of Forests Department,

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WEB COPY



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R.N.MANJULA, J.

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