



W.A.No. 319 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No. 319 of 2017

and

CMP.No.19038 of 2016

1. The State of Tamil Nadu
Rep. By its Secretary,
Environment and Forests (FR2) Department,
Fort St.George, Chennai-9.

2.The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai – 600015.

3.The District Forest Officer,
Villupuram.

..Appellants

Vs

1.M.Ettiyan

2.V.Mayakannan

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order of this Court made in W.P.No. 280 of 2014, dated 29.01.2015.



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For Appellants : Mr. V.Manoharan, AGP
For Respondents : Mr.P.Munisami – R1
R2 – Given Up.

JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

Challenging the order of this Court made in W.P.No. 280 of 2014, dated 29.01.2015, the instant writ appeal has been filed.

2. The brief facts leading to filing of the Writ Appeal, is as follows.

The 1st respondent/writ petitioner herein was initially worked as temporary plot watcher w.e.f. 01.05.1983. The Government of Tamilnadu taking into account the fact that temporary Plot Watchers have been working for years together issued an order in G.O.Ms. No. 64 Environment and Forests Department, dated 08.03.1999 for preparation of statewide seniority list of Plot Watchers and Social Forestry Workers for the purpose of their absorption. The name of the petitioner was found in the statewide seniority list at serial no. 2723, but the 2nd respondent herein whose seniority was at serial no.2739 was considered for regularisation in the post of Plot Watcher. Hence



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the 1st respondent has filed a writ petition in W.P.No.280 of 2014 to quash the orders passed by the respondents/appellants herein and to appoint him the petitioner from the date on which the 2nd respondent herein was appointed as Plot Watcher and to pay all monetary benefits, seniority and other consequential benefits. The learned Single Judge by order dated 29.01.2015 has allowed the said writ petition directing the 3rd respondent/3rd appellant herein to consider the case of the writ petitioner to appointment to the post of Plot Watcher taking into account his seniority position and in the light of G.O.Ms.No.95 Environment and Forests Department, dated 07.08.2009. Challenging the same, the present writ appeal is filed by the appellant-Department.

3. Heard both sides and perused the materials available on record.

4. It is represented by the learned counsel appearing for the 1st respondent/writ petitioner that the 1st respondent died two years back and therefore, the impugned order of the learned Single Judge directing the appellants herein for appointment of the 1st respondent to the post of Plot Watcher is liable to be confirmed.



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5. The challenge in this appeal pertains to the directions issued by the learned Single Judge regarding the appointment of the 1st respondent as a Plot Watcher. However, it has been brought to our attention by the learned counsel for the 1st respondent that the said 1st respondent has passed away two years back. In such circumstances, We cannot pass any orders in relation to the appointment of the deceased 1st respondent, that is the subject of this appeal, and the appeal is liable to be dismissed.

6. In the result, the writ appeal is dismissed. The order of the learned Single Judge in W.P.No. 280 of 2014, dated 29.01.2015 is confirmed. The appellants are directed to pay the service benefits of the deceased 1st respondent to his legal heirs, upon receipt of request/representation received from them. No costs. Consequently connected Miscellaneous Petition is closed.

(D.K.K.J.)

(K.G.T.J.)

03.04.2023

Index : Yes/No
Internet : Yes/No
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To

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