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W.P. No.35091 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35091 of 2022

R.M.Koneri

.. Petitioner

VS

1. Government of Tamil Nadu
Rep. by its Secretary
Environment and Forest Department
Fort St.George, Chennai - 600 009.

2. The Principal Chief Conservator of Forests
Panagal Maaligai, Jeenis Road
Saidapet, Chennai - 600 015.

3. The District Forest Officer
Trichy District.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondent to pay monetary benefits from date of joining as forest watcher from 14.06.2013 till 15.08.2017 as per our Honourable High Court order in W.P.No.37630 of 2016 dated 26.10.2016 and Tamil Nadu Fundamental Rule 27(17) by consider the representation dated 23.09.2021.

For Petitioner : Mr.S.Mani

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader



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ORDER

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This writ petition has been filed for a Mandamus, to direct the first and second respondent to pay monetary benefits from the date of joining as Forest Watcher, from 14.06.2013 till 15.08.2017.

2. Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. The grievance of the petitioner in this writ petition is that, even though he was regularized into service from 14.06.2013, he has not been paid his monetary benefits from 14.06.2013 till 15.08.2017 as per this Court's order dated 26.10.2016 passed in W.P.No.37630 of 2016.

4. This Court, by its order dated 26.10.2016 passed in W.P.No.37630 of 2016 directed the respondents to appoint the petitioners therein in the regular time scale of Forest Watcher by taking into account their seniority and qualification on par with their juniors in the light of the earlier orders of this Court and confer all consequential benefits



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within a period of six weeks from the date of receipt of a copy of the said order.

5. The aforesaid order, according to the petitioner, was not implemented in entirety as the monetary benefits was not paid to the petitioner from 14.06.2013 till 15.08.2017, though he was regularized into service on 14.06.2013, as directed by this Court in the aforesaid order dated 26.10.2016.

6. In such circumstances, the petitioner has given a representation on 23.09.2021 to the respondents, requesting them to pay his monetary benefits for the aforementioned period. Since the representation has not been considered till date, he has filed this writ petition.

7. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the respondents.

8. No prejudice would be caused to the respondents if the petitioner's representation, as stated *supra*, is considered on merits and in



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accordance with law within a time frame to be fixed by this Court.

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9. The petitioner also relied upon the Fundamental Rule 27(17) in support of his contention that, the monetary benefits will have to be paid from the date when he assumed charge as a Forest Watcher. It is for the respondent to consider the same on merits and decide accordingly.

10. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 23.09.2021, seeking for payment of his monetary benefits from 14.06.2013 till 15.08.2017, within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the aforesaid directions, this writ petition is disposed of.
There will be no order as to costs.

03.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
drm/nl



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WEB COPY To :

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ABDUL QUDDHOSE, J.

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