



W.P.(MD)No.4370 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4370 of 2018
and
W.M.P(MD)No.4465 of 2018

K.Ravi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Environment and Forests,
Secretariat, Chennai-9/

2.The Principal Chief Conservator of Forests,
No.15, Jeenis Road,
Panagal Building,
Saidapet, Chennai – 15.

3.The Conservator of Forests,
Trichy Circle,
Trichy District.

4.The District Forest Officer,
Thanjavur Division,
Thanjavur District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records



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on the file of 2nd respondent in the proceeding Ref:No.LL2/41869/2013 dated 29.11.2017 and quash the same as illegal and consequently, to regularize the services of the petitioner to the post of Plot Watcher and pay the all monetary benefits from completion of 10 years of service.

For Petitioner	: Mr.D.Selvanayagam
Respondents	: Mr.N.Ramesh Arumugam, Government Advocate

ORDER

This writ petition has been filed to quash the proceedings of the second respondent in Ref:No.LL2/41869/2013 dated 29.11.2017, as illegal and consequently, to regularize the services of the petitioner in the post of Plot Watcher and pay all the monetary benefits from completion of 10 years of service.

2. The case of the petitioner is that the petitioner has been serving as Plot Watcher for more than 16 years from the date of joining on 01.08.2001. While so, the Government passed an order in G.O.Ms.No.64, dated 08.03.1999, for regularization of the persons like that of the petitioners in a phased manner in the post of Forest Watcher



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by drawing a Statewide seniority list. However, it has been restricted to the persons, who joined service before the petitioner. The grievance of the petitioner is that the petitioner is entitled for regularization of service as per G.O.Ms.No.22 Personal and Administrative Reforms(F)Department, dated 28.02.2006 and G.O.Ms.No.84, Environment and Forests(FR.5) Department, dated 09.08.2007. Hence, the petitioner along with similarly placed persons filed W.P(MD)No.4352 of 2010 and got favourable orders on 30.04.2013 and it was implemented by way of G.O.(3D)No.05, Environment and Forest(FR.2) Department, dated 09.02.2015. In the meanwhile, vide proceedings dated 10.05.2015, the third respondent also recommended the case of the petitioner to the first respondent. However, the first respondent has not passed any order in favour of the petitioner. Subsequently, the petitioner made several representations to the respondents. Finally, the second respondent passed the impugned order rejecting the request of the petitioner. Hence, challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that though G.O.Ms.No.22, dated 28.02.2006 is passed based on the decision rendered by the Hon'ble Apex Court in ***Secretary, State of Karnataka vs. Umadevi and others*** reported in ***2006(4) SCC 1***, as one-time measure, the second respondent has mechanically passed the impugned order. Further, in catena of decisions this Court has held that the persons who have completed 10 years of service as on 01.01.2006 are entitled to the benefit of regularization and the same is not extended to the petitioner and accordingly, prays for allowing of this writ petition.

4. The leaned Government Advocate appearing for the respondents would submit that the petitioner worked as temporary employee on part time basis from 01.08.2001 to 31.01.2005 in the respondent Department. The petitioner has been engaged only on part time basis and he had not been initially recruited through employment exchange and the petitioner's services were utilized as and when the exigency arose. As the petitioner worked as temporary employee on part time basis, in terms of G.O.Ms.No.22, the petitioner is not entitled for the benefits. Hence, the request of the petitioner is not considered and therefore, there is no



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irregularity or infirmity in the order passed by the second respondent and hence, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the petitioner was not appointed through employment exchange and he was appointed on temporary basis by the then Officers, who were in service in the respondent Department. It is also admitted that the petitioner entered the services on daily wages. The petitioner claimed more than 16 years of service for regularization in terms of G.O.Ms.No.22 Personal and Administrative Reforms (F) Department, dated 28.02.2006 and G.O.Ms.No.84, Environment and Forests(FR.5) Department, dated 09.08.2007. However, the same was rejected on the ground that the petitioner did not complete 10 years of service. G.O.Ms.No.22, was issued on the basis of the decision rendered by the Hon'ble Apex Court as one time measure for regularization of the person, who rendered ten years of service on 01.01.2006. Admittedly, the petitioner entered into service in the year 2001 and not completed



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10 years of service on 01.01.2006 and therefore, the prayer sought for by the petitioner cannot be granted and therefore, the order of the second respondent does not warrant interference.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2023

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Index:Yes/No

NCC:Yes/No

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M.DHANDAPANI, J.

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