



Writ Appeal No.1541 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON
03.07.2024

PRONOUNCED ON
16.07.2024

CORAM

**THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.1541 of 2022
and C.M.P.No.10140 of 2022**

1.State of Tamil Nadu,
Represented by Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Chennai – 600 006.

3.District Forest Officer,
Tirupattur Division,
Tirupattur, Vellore District.

4.Forest Range Officer,
Chengam, Tiruvannamalai District.

... Appellants

Vs

C.Periyasamy

... Respondent

PRAYER:- Writ Appeal has been filed under Clause 15 of Letter Patent to set aside the order dated 22.07.2021 made in W.P.No.21244 of 2008 and



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pass such further order.

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For Appellants : Mr.R.Neelakandan
Additional Advocate General
Assisted by Dr.T.Seenivasan
Special Government Pleader

For Respondent : Ms.T.Yazhlini
for Mr.J.Saravana Vel

JUDGMENT

(Judgment of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Intra-Court Appeal had been preferred as against the order of the learned Single Judge, wherein a direction had been issued to the appellants to consider the case of the respondent herein and grant him monetary compensation within a time frame.

2. Heard Mr.R.Neelakandan, learned Additional Advocate General, assisted by Dr.T.Seenivasan, learned Special Government Pleader for the appellants and Ms.T.Yazhlini, learned counsel for Mr.J.Saravana Vel, learned counsel appearing on behalf of the respondent.

3. Mr.R.Neelakandan, learned Additional Advocate General for the



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appellants would vehemently contend that it is not the fault of the

appellants in not including the name of the respondent in the seniority list

of Foresters who were appointed after 1980. He would submit that a

Scheme came to be implemented for drawing a seniority list from which

the Foresters who were appointed after 1980 without following the

sponsoring from the Employment Exchange, for being absorbed into the

regular service. The name of the respondent had not been included for the

reason on the date of drawing of list, he was not in service. Therefore, his

name could not have been considered. During the pendency of the

respondent's claim before this Court, he had also attained the age of

superannuation. Hence, there can be no regularisation of services of the

respondent. The learned Single Judge had also rightly held so, but,

however, had directed the appellants to pay the monetary compensation for

wrongfully not including him in the list. The learned Additional Advocate

General would vehemently contend that having found that he would not be

entitled for regularisation, there is no necessity for the learned Single Judge

to direct monetary compensation to be paid by the appellants. Hence, he

would seek interference with the order of the learned Single Judge.



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4. Ms.T.Yazhlini, learned counsel appearing on behalf of the respondent on the other hand would contend that it is not denied by the appellants that they were at fault in not including the name of the respondent in the seniority list as he had worked as a Forester after 1980. She would further contented that when the list was drawn in the year 1992, the name of the respondent had been left out for which the respondent had also made a representation immediately and since his claim has not been considered, he had approached the Tribunal in the year 1993 and due to the abolition of the Tribunal in the year 2008 and the same was renumbered as W.P.No.21244 of 2008 before this Court and this Court had disposed of the same only in the year 2021. Therefore, the respondent could not be put at fault. The learned Single Judge had rightly held that the respondent was entitled to be included in the seniority list but for the inaction of the appellants, his name has not been included in the seniority list. As the respondent had attained the age of superannuation, the learned Single Judge had directed monetary compensation which is just and fair. Therefore, she would plead that no interference need to be made in the



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order of the learned Single Judge.

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5. We have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. The learned Single Judge after having found that the respondent's name would have to be included in the list of seniority for absorption into the regular vacancies and having found that he had attained the age of superannuation, had directed monetary compensation to the respondent. Even though, we are convinced with the arguments of the learned Additional Advocate General appearing for the appellants, the respondent had not attempted to seek reinstatement after his discharge prior to the beneficial Government order. In view of the order of this Court in W.P.No.4294 of 2012, dated 04.02.2020, which had been relied upon by the learned Single Judge, we do not find any infirmity or illegality in the findings of the learned Single Judge as to the right of the respondent to have been included in the seniority list.



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7. Be that as it may, since factually the respondent had already superannuated and there is no Scheme for payment of any monetary compensation to such of persons and also taking note of the judicial facts that there are various other Schemes of the Government enuring to the benefit of the senior citizens, we direct the respondent to take out appropriate application in an appropriate Scheme available to him and when such an application is made to an appropriate Authority, the said Authority shall consider the request of the respondent and dispose of the same within a period of four (4) weeks from the date of receipt of such application.

8. With the aforesaid direction, this Writ Appeal is partly allowed in so far as the direction issued by the learned Single Judge for grant of monetary compensation alone is set aside. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(D.K.K.,J.)

(K.B., J.)



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Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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A Pre-delivery Judgment made in
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