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W.P.No.36510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.36510 of 2024

N. Kamalakannan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St. George, Chennai – 9

2. The Principal Chief Conservator of Forest &
Head of Forest Force,
Joint Forest Management,
Velachery Main Road, Guindy, Chennai – 32

3. The District Forest officer,
Thiruvannamalai Forest Division,
Thiruvannamalai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 09.08.2023 for inclusion of petitioner name in the statewise seniority and to regularise petitioner's service as per the common order made in W.P.No.21432 of 2009 within time frame and pass orders.

For Petitioner

: Mr.K. Jenitha

For Respondents

: Mr.C. Selvaraj

Additional Government Pleader



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ORDER

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This petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider petitioner's representation dated 09.08.2023 for inclusion of petitioner name in the statewise seniority and to regularise petitioner's service as per the common order made in W.P.No.21432 of 2009 within time frame and pass orders.

2. The facts of the case is that the petitioner is working as Plot Watcher in the 3rd respondent division and he is eligible to the post of Forest Guard/Mali/Nursery Megnisiyans. As per the G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 the petitioner's name has to be included in the seniority list, due to which the petitioner gave a representation to the respondents and the same was not considered till date. Thereafter, G.O.Ms.No.95 Environment and Forests(FR-2) Department has issued for regularizing the services of the Society Forestry Workers/ Plot Watchers. However, the petitioner's name was not included in the list, due to which the petitioner filed W.P.No.21432 of 2009 and the writ petition was disposed 23.03.2010 wherein a direction was issued to the respondent to pass orders based on G.O.Ms.No.95



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dated 07.08.2009. Against the said order W.A.No.887 of 2010 came to be filed wherein a direction was issued to the respondents to implement G.O.Ms.No.95 Environment and Forests(FR-2 Department) dated 07.08.2009. The grievance of the petitioner is that even though the implementation of G.O.Ms.No.95 has attained finality in W.A.No.887 of 2010, the respondents has not considered the claim of the petitioner for regularization of petitioner's services. Hence the petitioner has made a representation to the respondents on 09.08.2023. However, the same was not considered till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation dated 20.12.2023 and pass orders.

4. The learned Additional Government Pleader appearing for the respondents submitted that they will consider the case of the petitioner and pass orders on merits and in accordance with law.

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



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6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 09.08.2023 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations this writ petition stands disposed of.

No order as to costs.

11.12.2024

Index: Yes/No
Speaking order/Non-speaking order
smn

To.



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V.BHAVANI SUBBAROYAN,J.

smn



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