



W.P.No.36208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.36208 of 2023

and

W.M.P.No.36202 of 2023

1.C.Govindaraju
2.S.Subramani
3.R.Periyasamy
4.K.Chakkaravarthy
5.A.Appusamy
6.K.Eswaran Moorthy

...Petitioners

-Vs-

1.The Government of Tamil Nadu
rep. by the Additional Chief Secretary to Government
Forest Department, Secretariat,
Fort St.George, Chennai – 9.

2.The Principal Chief Conservator of Forest
Head of Forest Office
No.1, Panagal Maligai Building
8th Floor, Jeenis Road, Saidapet
Chennai – 600 015.

3.The District Forest Officer
Authur, Salem.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the passing of the order dated 09.10.2023 on the file of the 1st respondent in G.O.(2D)No.192, Environment, Climate Change and Forest (FR.2(II)) Department and quash the same and consequently direct the 1st respondent to issue permanent appointment order in the Forest Department to the petitioners as per the G.O.Ms.No.52 dated 14.01.1977.

For petitioners : Mr.C.Balasundar

For respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 1st respondent in G.O.(2D).No.192 dated 09.10.2023 thereby rejecting the request made by the petitioners to appoint them in the permanent post.

2. The petitioners and others were residing in the border of Attur Forest and they are offered employment in the Forest Department as Plot Watch and Ward in the forest and fixed monthly salary as Rs.350/-. They were also paid Rs.100/- or Rs.50/- depend upon their work. They were



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assured for permanent employment in the forest department. They worked from July 1992 to March 1998. However, they were not given any permanent employment in the Forest Department. Hence, they were filed W.P.No.28468/2007 before this Court. This court, by order dated 29.08.2007, issued direction to the respondents to consider the representation made by the petitioners and pass orders.

2.1. However, the 4th respondent rejected the case of the petitioners by order dated 29.10.2007. However, the said order was not challenged and submitted another representation dated 20.03.2013 requesting to consider their case as per G.O.Ms.No.52 Finance (P.R.II) Dept., dated 14.01.1977. As per the Government order, Heads of the Department should send proposal on 1st January of each year for bringing into regular establishment, the contingent employee who complete five years of service as on 1st January. However, it was also rejected by order dated 09.10.2023. It is seen that in Forest Department, the plot watchers were engaged temporarily for a particular scheme and daily wages based on necessity and were paid accordingly. After completion of said scheme, there



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were no need to engage any plot watchers. In so far as the petitioners, they were engaged as plot watchers temporarily on daily wage basis in the scheme works of the department. After completion of scheme, they were accommodated in the subsequent scheme on daily wage and they were paid accordingly. Therefore, they cannot claim to retain them in the post of plot watchers permanently. That apart, the request made by the petitioners is not feasible for compliance since they were not completed 10 years of service on 01.01.2006. As per G.O.Ms.No.22 dated 28.02.2006, the Government issued guidelines on regularization of the daily wagers. It provides that daily wage employees working in all Government Department rendered 10 years of service as on 01.01.2006 be regularized. Therefore, the request made by the petitioners are rightly rejected by the respondents.

3. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

Index : Yes/No

Internet: Yes/No

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WEB COPY To

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