



W.P.(MD).No.23109 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23109 of 2024

M.Eswaran

... Petitioner

VS

1.The Government of TamilNadu,
Rep. by its Secretary,
Department of Environment,
Climate Change & Forests,
Fort. St. George,
Chennai-600 009.

2. The Chief Conservator of Forests,
State Forest Research Institute,
Kolapakkam,
Chennai-600 127.

3.The District Forest Officer,
Madurai Forest Division,
Madurai.

4. The Assistant Conservator of Forests,
Agro-Forestry Research Division,
Madurai-625 002.

5. The Principal Chief Conservator of Forests,
Chennai-15.

*(R-5 is Suo-Motu impleaded vide order
dated 21.10.2024 in W.P.(MD).No.23109 of 2024)*

... Respondents



W.P.(MD).No.23109 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 4th respondent to permit the petitioner to continue his service as Driver in his Agro-Forestry division and thereby direct the respondents to regularize his service in the respondent department from the date of completion of 10 years of service i.e., from 05.06.2016 based on his representation dated 13.05.2024 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.G.Thalaimuthurasu
For Respondents	: Mr.S.Shanmugavel Additional Government Pleader

ORDER

The instant writ petition has been filed by a temporary driver working in the office of the 4th respondent seeking a Mandamus to permit him to continue in the services and to regularize the services as a driver.

2. According to the learned Counsel appearing for the petitioner, he was appointed as driver on 05.06.2006 on a daily wage basis and so far his services have not been regularized.



W.P.(MD).No.23109 of 2024

WEB COPY

3. The learned Counsel for the petitioner also relied upon the proceedings of the District Forest Officer dated 14.05.2024, wherein, a list of temporary drivers has been forwarded to the Forest Ranger for collecting information about the service details. The learned Counsel appearing for the petitioner further relied upon the G.O.Ms.No.3, Environmental & Forest (FR-2-I) Department Dated 11.01.2019 and G.O.Ms.No.48, Environmental & Forest (FR-2-I) Department dated 27.05.2019.

4. Per contra, the learned Government Pleader appearing for the Respondents had contended that from 01.04.2018 onwards, the post of driver has been out sourced and therefore, the petitioner is not working under the Forest Department. He further contended that the petitioner is not eligible to get regularization as per G.O.Ms.No.74, Personnel and Administrative Reforms Department dated 27.06.2013. He further contended that there is no sanctioned post for driver in the 4th respondent office.

5. The petitioner has given a representation to the 2nd respondent herein on 13.05.2024 seeking regularization of his services, but so far no orders have been passed by the 2nd respondent herein.



W.P.(MD).No.23109 of 2024

WEB COPY

6. Considering the above said facts, the petitioner herein is directed to submit a fresh representation to the 5th respondent and on receipt of the same, the 5th respondent is directed to consider the same and pass orders on merits in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of the representation.

7. With the above observation, this writ petition is disposed of. No costs.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



W.P.(MD).No.23109 of 2024

WEB COPY To

1. The Secretary,
Department of Environment,
Climate Change & Forests,
Fort. St. George,
Chennai-600 009.
2. The Chief Conservator of Forests,
State Forest Research Institute,
Kolapakkam,
Chennai-600 127.
3. The District Forest Officer,
Madurai Forest Division,
Madurai.
4. The Assistant Conservator of Forests,
Agro-Forestry Research Division,
Madurai-625 002.
5. The Principal Chief Conservator of Forests,
Chennai-15.



WEB COPY



W.P.(MD).No.23109 of 2024

R.VIJAYAKUMAR,J.

gvn

W.P(MD)No.23109 of 2024

21.10.2024