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W.P.No.32820 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.32820 of 2024
and
W.M.P.No. 35645 of 2024

V. Tamilarasan

...Petitioner

Vs

1. The State of Tamil Nadu
Rep by the Principal Secretary to Government,
Environment, Climate Change and Forests Department,
Fort ST.George, Secretariat, Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy – Velacherry Main Road,
Guindy, Chennai 600 032.

3. The conservator of Forests,
Dharmapuri Forest Circle,
Dharmapuri District.

4. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri -5,
Dharmapuri District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 03.10.2024 in Na.Ka.No.S/2/25306/2024 passed by the 2nd respondent and its consequential order of the 4th respondent dated 10.10.2024 made in Na.Ka.No.11383/2024/Ka and quash the same consequently direct Respondents to regularize the service of the petitioner as driver in the time scale of pay from the date of his appointment i.e on 22.07.2014 with all consequential service and monetary benefits on par with similarly placed persons and pass orders

For Petitioner : Mr.M.R. Jothimanian
For Respondents : Mr.C. Selvaraj
Additional Government Pleader

ORDER

This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 03.10.2024 in Na.Ka.No.S/2/25306/2024 passed by the 2nd respondent and its consequential order of the 4th respondent dated 10.10.2024 made in Na.Ka.No.11383/2024/Ka and quash the same consequently direct



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Respondents to regularize the service of the petitioner as driver in the time scale of pay from the date of his appointment i.e on 22.07.2014 with all consequential service and monetary benefits on par with similarly placed persons and pass orders.

2. The facts of the case is that the petitioner was appointed as a driver on 22.07.2014 in the 4th Respondent Forest Division and is still working without any adverse remarks and he is entitled for regularization of service. It is pertinent to note that the fourth respondent has also recommended for regularisation of service on 23.09.2024. However there is no progress till date. Hence this petition.

3. The learned counsel for the petitioner submitted that similarly placed person also filed writ petitions in W.P.Nos.19456 to 19458 of 2013, wherein this Court by order dated 04.09.2017 directed the respondents to regularize the services of the petitioners in the above from the date of initial appointment with all attendant and consequential benefits and the same was also confirmed in W.A.Nos.1842 to 1844 of 2018 vide Common Judgment dated 10.01.2019. Similarly in the



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W.A.No.2796 of 2019, this Court also directed the regularization of service, which is also challenged in S.L.P before the Supreme Court and the same has also been dismissed. Thereafter, the Government has issued G.O.Ms.No.8, Environment and Forests (FR.2-II) Department dated 22.01.2021. Hence seeks to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents filed a counter affidavit wherein it was stated that in G.O(MS.No.74 Personal and Administrative Department (F) dated 27.06.2013 have issued directions to regularize the service of the daily wage employees who have rendered 10 years of service on 01.01.2006 by appointing them in the time scale of pay, but the petitioner was engaged on daily wage basis driver only on 01.01.2014. Hence prays to dismiss this petition.

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

6. Having regard to the above facts that similarly situated persons are regularised and the Government orders have also been passed, hence the impugned order is hereby set aside and there



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shall be a direction to the respondents to consider the case of the petitioner and pass orders in the light of the directions earlier given by this Court in the writ petitions referred above and Government Orders passed by them. Such exercise shall be completed within a period of three months 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. Consequently the connected miscellaneous petition is closed.

08.01.2025

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Index: Yes/No

Speaking order/Non-speaking order

smn



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To.

1. The Secretary to Government,
Environment, Climate Change and Forests Department,
Fort ST.George, Secretariat, Chennai – 600 009.

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V.BHAVANI SUBBAROYAN,J.

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and
W.M.P.No. 35644 of 2024

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