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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**Reserved on : 30.08.2024****Pronounced on : 12.03.2025****CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

REV. APLC(MD)No.96 of 2023

S.Mahendrakumar

... Review Applicant / Respondent

Vs.

1.The Principal Chief Conservator of
Forests,
Panagal Buildings,
Saidapet, Chennai.

2.Conservator of Forests,
Virudhunagar Circle, 187,
Malaipetai Street,
Virudhunagar.

3.Divisional Forest Officer,
Social Forestry Division,
No.16, C.C.Salai Rajaji Nagar,
M.S.F.Colony,
Virudhunagar.

... Respondents / Appellants



Prayer : Review Application filed under Order 47 Rule 1 & 2 r/w. Section 114 of Civil Procedure Code, to review the order passed in WA(MD)No.906 of 2017 dated 26.07.2017 and dispose of the writ appeal on merits of the case and pass appropriate or other orders as this Court may deem fit and proper and thus render justice.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.P.T.Thiraviam,
Government Advocate

ORDER

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The review applicant filed WP(MD)No.624 of 2017 seeking regularization of his service on the ground that he has served the Forest Department for more than ten years continuously as a daily wager. The writ petition was allowed by the learned Single Judge vide order dated 21.02.2017. Challenging the same, the department filed WA(MD)No.906 of 2017. The writ appeal was allowed on 26.07.2017 and the order of the learned Single Judge was set aside. Seeking a review of the said order, this review application has been filed.



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2. We are satisfied that the order made in the writ appeal does not suffer from any error apparent on the face of the record. The learned Single Judge allowed the writ petition by applying the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981. It was held that the petitioner is deemed to have attained permanent status as he has completed 480 days of continuous service in the period of 24 English calendar months. This reasoning was wrong because the Forest Department cannot be considered as an Industrial Establishment. It was in that view of the matter, the writ appeal was allowed and we do not see any ground to depart from the said view. However, there is considerable force in the claim of the review applicant that he is entitled to parity of treatment. Our attention has been drawn to the order dated 16.09.2020 made in WP Nos.6632, 6635 & 6638 of 2020 filed by A.Muthukrishnan, A.Selvaraju and A.Thangavelu. It is seen from the said order that those persons who had completed ten years of service were held entitled to regularization from the date of initial appointment on daily wages by extending the benefit conferred in G.O Ms.No.3, Environment and Forests (FR.2.II) Department dated 11.01.2019 and G.O.Ms.No.48, Environment and Forests (FR.2.II) Department dated 27.05.2019.



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3.We therefore permit the review applicant to submit a fresh representation to the Secretary to Government, Environment and Forests Department, Fort St.George, Chennai – 09. The said representation shall be considered by the said authority and an appropriate order shall be passed in the light of the order dated 16.09.2020 made in WP Nos.6632, 6635 & 6638 of 2020. In other words, if the petitioner's case is found to be similar to that of the petitioners therein, the petitioner also will be accorded similar benefit. Such an order shall be passed within a period of twelve weeks from the date of receipt of fresh representation from the review applicant.

4.This review application is accordingly disposed of. No costs.

(R.S.M, J.) & (G.R.S., J.)
12.03.2025

Index : Yes/No
Internet : Yes/No
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