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W.A.No.409 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.409 of 2026

1. Government of Tamil Nadu
Rep. By its Principal Secretary to Government
Environment and Forest Department
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests
Head of Forest Force, No.1, Genies Road
Panagal Maligai, Saidapet, Chennai – 15.
3. The District Forest Officer / Forest Extension Officer
Krishnagiri Forest Extension Division
Krishnagiri, Krishnagiri District. .. Appellants

Vs.

1. Baby
2. The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, Teynampet
Chennai – 600 018. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.10.2023 made in W.P.No.26768 of 2018.

For the Appellants : Mr.C.Selvaraj
Additional Government Pleader

For the Respondents : Mr.M.R.Jothimanian
for R1

Mr.V.Vijayashankar
Standing Counsel
for R2



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JUDGMENT

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(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 13.10.2023 made in W.P.No.26768 of 2018.

2. By the said order, the following directions have been given:-

"8. In view of the above, the respondents are directed to consider the case of the petitioner in the light of the Judgment of the Apex Court and orders of this Court and as per the above Government Order, as the benefit has been extended to similarly placed person. In fact, the forest watchers are frontline soldiers in forest and they are main protectors of the forest. These facts cannot be disputed by any one. Hence, while passing orders, the Government shall take into consideration the circular issued by the 3rd respondent wherein the petitioner-s husband name is found in Sl.No.1182 and the nature of service rendered by the husband of the petitioner and also the fact that when similarly placed persons have already been granted the relief, if the husband of the petitioner is not granted such relief, the same is nothing but discrimination and it violates Article 14 of Constitution of India.



Therefore, the respondents shall extend the benefits as per above government order as it is extended to similarly situated persons. Such an exercise shall be completed within a period of six months from the date of receipt of copy of this order.

9. With the above observations, the Writ Petition is disposed of. No costs."

3. Since the respondent/writ petitioner's husband had been working as Plot Watcher right from 01.04.1981, as per the Government Orders which were in vogue, the service of the respondent/writ petitioner's husband since had to be regularized and the same since had not been regularized from the initial date, she had approached the Writ Court, where, the writ petition was allowed, whereby, directions were given to the appellant Department to issue necessary orders to regularize the service of the husband of the respondent/writ petitioner.

4. In fact, complying the said directions/orders passed by the Writ Court, which is impugned herein, the Government, through the Environment, Climate Change and Forest Department, issued a Government Order in G.O.(2D) No.113 dated 15.10.2024, whereby,



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the Rule has been relaxed so as to give such a regularization to the husband of the respondent/writ petitioner, namely *K.Mahalingam*, in the post of Forest Watcher. The relevant portion of the order in the Government Order reads thus:-

"13. In exercise of the powers conferred under Section 58 of Tamil Nadu Government Servant (Conditions of Service) Act, 2016, the Governor of Tamil Nadu hereby relaxes Rule 5 of the Special Rules of Tamil Nadu Forest Subordinate Services in respect of height in favour of the petitioner's husband thiru.K.Mahalingam so as to regularize his service in the post of Forst Watcher and ordered accordingly."

5. Though *Mr.C.Selvaraj*, learned Additional Government Pleader appearing for the appellants submits that this Government Order was passed only subject to the outcome of this writ appeal, we do not find any force in the said submission, because, the issue raised in this writ appeal has already been concluded in a number of cases, where these kinds of regularizations, as Plot Watcher to Forest Watcher, considering their long services rendered in the Department, had been upheld in a number of decisions.



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6. When this being the position, since the Government also has rightly come forward to issue the Government Order as stated *supra*, where the directions given by the learned Writ Court have been complied with, we do not find any reason to interfere with the order impugned. As a result of which, the writ appeal fails and is liable to be dismissed and hence, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.3780 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
17.02.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)

To:

1. The Principal Secretary to Government
Government of Tamil Nadu
Environment and Forest Department
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests
Head of Forest Force, No.1, Genies Road
Panagal Maligai, Saidapet, Chennai – 15.
3. The District Forest Officer / Forest Extension Officer
Krishnagiri Forest Extension Division
Krishnagiri, Krishnagiri District.
4. The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, Teynampet, Chennai – 600 018.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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