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WP No. 23785 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 23785 of 2026

AND

WMP NO. 25783 OF 2026

1. R.Raghul
Office Assistant,
O/o.Deputy Conservator of Forest,
Dharmapuri Modern Nursery Division,
Dharmapuri,
Dharmapuri District.
2. S.Durai
Lab Assistant/ Plot Watcher
Modern Nursery Range,
Dharmapuri Modern Nursery Division,
Dharmapuri-5,
Dharmapuri District.
3. D.Selvaraj
Lab Assistant / Plot Watcher,
Modern Nursery Range,
Dharmapuri Modern Nursery Division,
Dharmapuri-5,
Dharmapuri District.

..Petitioner(s)

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-09.



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

3. The Chief Conservator forests
Research, SFRI,
State Forest Research Institute Division,
Kolapakkam,
Chennai-638 602.

4. The Deputy Conservator of Forests
Dharmapuri Modern Nursery Division,
Dharmapuri-5,
Dharmapuri District.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for records of the impugned order dated 17.03.2026 in Ref No.3360/2025/ E passed by the 4th respondent and quash the same, Consequently direct the Respondents to regularize the service of the Petitioners as Office Assistant and Lab Assistant / Plot Watchers respectively in the time scale of pay from the date of their initial appointment with all consequential service benefits.

For Petitioner(s): Mr. M.R.Jothimanian

For Respondent(s): Mr.A.R.Balaji
Government Advocate



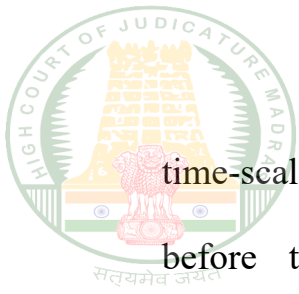
Order

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This writ petition is filed for the following relief:

“To issue a writ of certiorarified mandamus calling for records of the impugned order dated 17.03.2026 in Ref No.3360/2025/ E passed by the 4th respondent and quash the same and consequently direct the respondents to regularise the service of the petitioners as Office Assistant and Lab Assistant / Plot Watchers respectively in the time scale of pay from the date of their initial appointment with all consequential service benefits.”

2. The petitioners would submit that they were appointed as Office Assistant, Lab Assistant and Plot Watchers in the Forest Department on 01.07.2009, 19.09.2008 and 01.03.2014 and have been serving continuously for more than 10 to 17 years without any adverse remarks. Pursuant to G.O.Ms.No.64 dated 06.03.1999 and G.O.Ms.No.95 dated 07.08.2009, the petitioners submitted their service particulars for inclusion in the State-wide seniority list. The 4th respondent recommended their names and forwarded the proposals to the higher authorities. However, no final orders were passed. The petitioners thereafter submitted representations dated 01.07.2024, 03.12.2024 and 02.06.2025 seeking regularisation of their services and grant of



time-scale pay. As no orders were passed, they filed W.P. No.19457 of 2025 before this Court seeking regularisation. Subsequently, this Court, in W.P. No.49457 of 2025, by order dated 17.12.2025, directed the respondents to consider the petitioners' representations within a period of six weeks. Pursuant to the said direction, the 4th respondent, by proceedings dated 17.03.2026, rejected the petitioners' claim by relying on G.O.Ms.No.74 dated 27.06.2013. According to the petitioners, the impugned order cannot be sustained in view of the order passed by this Court in W.P.No.29346 of 2014 dated 22.09.2017 wherein G.O.Ms.No.74 dated 27.03.2013 was declared arbitrary and unconstitutional. Challenging the order dated 17.03.2026 and seeking regularization, the petitioner is before this Court.

3. Heard the learned counsel on either side and perused the materials available on record.

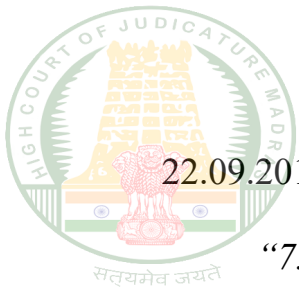
4. The petitioners who were appointed as Office Assistant, Lab Assistant and Plot Watcher on 01.07.2009, 19.09.2008 and 01.03.2014 respectively in the 4th respondent -Modern Nursery Division have filed the present writ petition seeking regularisation of their services. The records would show that the petitioners have been working in the said department since the date of their appointment. The 2nd respondent, vide proceedings dated 08.03.2002, had directed all District Forest Officers to prepare a list containing the names of



persons working on temporary basis. In compliance with the said direction, the 4th respondent had forwarded the list of names, which included the petitioners, recommending regularisation of their services. Since no orders were passed thereon, the petitioners filed W.P.No.19457 of 2025 before this Court. By order dated 17.12.2025, this Court directed the respondents to pass appropriate orders on the representations within a period of six weeks. Pursuant thereto, the 4th respondent had rejected the claim of the petitioners on the ground that they had not completed 10 years of service as on 01.01.2006 and placed reliance upon G.O.Ms.No.22 dated 28.02.2006. Though the operative portion of the order refers to G.O.Ms.No.22, in the body of the order, the 4th respondent has relied upon G.O.(Ms.)No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, and the following modalities contained therein to reject the petitioners' request:

- a) That part-time and casual employees are not entitled to have their services regularized on the ground that they had completed 10 years of service as on 01.01.2006*
- b) The services of full time daily wage employees who have completed 10 years of service after 01.01.2006 shall also not be considered.*

This Government Order came up for consideration before this Court in W.P.No.1093 of 2023, by order dated 19.01.2023, wherein this Court, after taking into consideration the judgment in W.P.No.29346 etc. of 2014 dated



22.09.2017, held as follows:

*“7.Firstly, this Court had an occasion to deal with the retrospective effect given to G.O.Ms.No.74, dated 27.06.2013, whereby, the cut-off date for the completion of ten years was fixed as on 01.01.2006. On considering the rival claims, this Court in the case of **G.Sivagiganesan and others vs. The State of Tamil Nadu Rep. by its Secretary Public Works Department, Fort St. George, Chennai - 9 and others in W.P.No.29346 etc of 2014 dated 22.09.2017, held as follows:***

20. Having heard the learned counsel appearing for the learned counsels for the petitioners and the learned Addl.Advocate General for the respondents and upon perusing the materials and pleadings placed on record, this Court is of the view that the offending portion of the G.O.Ms.No.74, dated 27.6.2013, namely, paragraph 6 which is extracted supra, is unconstitutional and it only seeks to introduce a naked discrimination in the matter of treatment of identically placed employees. As rightly contended by the learned counsels appearing for the petitioners and in view of the various decisions rendered by this Court, the right which is accrued to the employees cannot stand negated by giving retrospective effect to the G.O. Ms.No.74, dated 27.6.2013. Moreover, in the several



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decisions rendered by this Court which have been confirmed in Writ Appeals and also in some other cases by the Hon-ble Supreme Court, it does not lie within the power of the Government to bring the impugned G.O. with retrospective effect. Such retrospectivity is blatant attempt by the Government to violate the principles of promissory and equitable estoppel and doctrine of legitimate expectation.

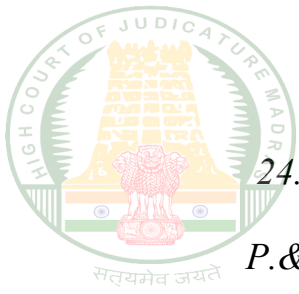
21. This Court also cannot lose sight of the fact that in several cases, in fact, few of them have cited above, the employees had obtained beneficial orders and those orders also came to be implemented by the Government on various dates even in the present year. In the said circumstances, this Court is unable to understand the situation as to how the petitioners alone can be singled out for discriminatory treatment by retrospectively applying the G.O.Ms.No.74, dated 27.6.2013. Any Governmental action is to be tested on the touchstone of Articles 14 and 16 of the Constitution of India. A State cannot be allowed to adopt the discriminatory practice while dealing with the citizens or Government servants.



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22. *In the instant case, the attempt to implement the impugned G.O.Ms.No.74, dated 27.6.2013 with retrospective effect, is nothing but a clear case of colourable exercise of power. The fundamental rights guaranteed by our Constitution sought to be impinged by bringing in the impugned G.O. with retrospective effect. Exercise of such power, therefore, cannot be held to be constitutionally valid. This Court is also conscious of the fact that in policy matters, the Court should be little slow in interfering with the same, however, under the guise of public policy, the Government cannot arbitrarily and unjustly take away the rights of the employees which is against the scheme of the Constitution. In the instant case, the Government has preciously done the same.*

23. *In the light of the above narrative and discussion, this Court finds that retrospective implementation of the impugned G.O.Ms.No.74 dated 27.6.2013 and the other conditions enumerated in para 6 of the G.O., are liable to be struck down as being unconstitutional and interfering with the fundamental rights of the Government servants.*



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24. For the foregoing reasons, the impugned G.O.Ms.No.74

P.&AR. Department, dated 27.6.2013 is hereby set aside insofar

as para 6 is concerned and the petitioners in all the Writ

Petitions are entitled to regularization of their services on

completion of 10 years of service by virtue of G.O.Ms.No.22 P.&

AR. Department, dated 28.2.2006 and also in line with similar

orders passed by this Court in various earlier writ petitions

quoted supra. The respondents are directed to pass orders

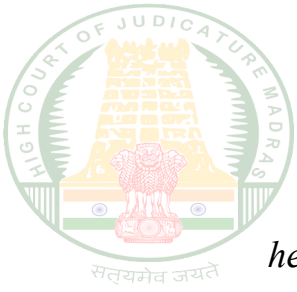
regularizing the services of the petitioners, within a period of

three months from the date of receipt of a copy of this order.

8.It is clear from the above that the retrospective implementation of G.O.Ms.No.74, dated 27.06.2013 and particularly Paragraph No.6 of the Government Order has been struck down as unconstitutional. It is this paragraph, which fixed the cut-off date as 01.01.2006. Hence, the reasoning given by the 2nd respondent in the impugned proceedings dated 20.10.2022 cannot be sustained and the same runs contrary to the judgment referred supra.

The learned Judge has also taken note of the fact that this Court has continued to direct regularisation of persons who had completed 10 years of service.

Therefore, taking note of the above, the following order came to be passed:

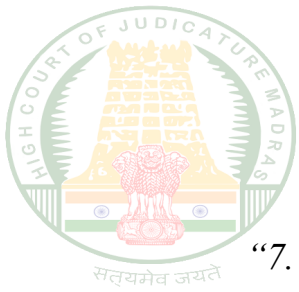


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“10.In the light of the above discussion, this Court has no hesitation to interfere with the impugned proceedings of the 2nd respondent dated 20.10.2022 and the same is hereby quashed.

The matter is remanded back to the file of the 2nd respondent with a direction to the 2nd respondent to consider the representation made by the petitioner dated 18.07.2022 on its own merits and in accordance with law and in line with G.O.Ms.No.131, dated 22.12.2021, which in turn took into consideration subsequent Government Orders and regularized the services of the Drivers, who completed ten years of service beyond 01.01.2006. This exercise shall be completed by the 2nd respondent, within a period of six weeks from the date of receipt of copy of this order.”

This judgment has also not been considered by the authorities concerned. In fact, in another matter in W.P.No.32365 of 2026 relating to the regularization of persons working as Night Watchman, Cook and Assistant Cook in the Government Tribal Welfare Hostel, the request of the petitioner therein was turned down relying upon G.O.Ms.No.74 Personnel and Administrative Reforms(F) Department dated 27.06.2013. In the said judgment, it has been held as follows:



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“7. Therefore, it is very clear that the rejection is based on G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013. A perusal of G.O.(Ms) No.74 would indicate that pursuant to G.O.Ms.No.22 Personal and Administrative Reforms (F) Department, dated 28.02.2006, orders had been issued directing the Departments of Secretariat to pursue action to regularise the services of daily wage employees working in all Government Departments who had rendered 10 years of service as on 01.01.2006 by appointing them into time scale of pay of the post. The G.O., clearly applies to persons who are daily wage earners.”

Therefore, in the light of the above discussion, and considering the fact that the aforesaid judgments and relevant facts have not been considered by the 4th respondent, the impugned order dated 17.03.2026 is quashed.

5. Accordingly, the writ petition is allowed as prayed for. The respondents are directed to consider the claim of the petitioners for regularisation of their services in the light of G.O.Ms.No.22 dated 28.02.2006 and the judgments referred to above and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of



this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

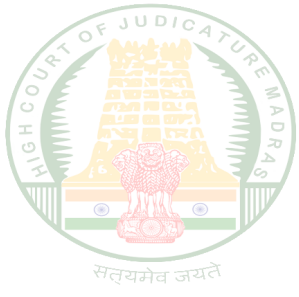
Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Environment, Climate Change and Forests Department,
Fort St. George,
Secretariat, Chennai-09.
2. The Principal Chief Conservator of Forests
Head of Forest Force,
Guindy- Velacherry Main Road,
Guindy, Chennai-032.
3. The Chief Conservator forests
Research, SFRI,
State Forest Research Institute Division,
Kolapakkam,
Chennai-638 602.
4. The Deputy Conservator of Forests
Dharmapuri Modern Nursery Division,
Dharmapuri-5,
Dharmapuri District.



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