

WA No. 1651 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 1651 of 2026 AND
CMP NO. 15160 OF 2026**

1. Government Of Tamil Nadu
Rep. By Its Secretary, Environment And
Forests Department, Fort.St.George,
Chennai-600009.
2. The Principal Chief Conservator Of Forests
Panagal Building,
Saidapet, Chennai-600015
3. The District Forest Officer
Tiruvallur District,
Tiruvallur.

..Appellants

Vs

A.Anbu
S/o.Arumugam,
Velagapuram Palla Colony,
Palavakkam Post, Tiruvallur Dist.

..Respondent

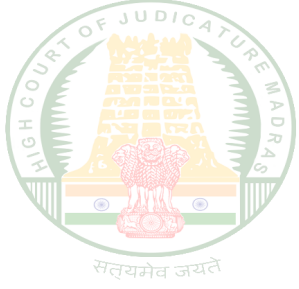
Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 26.09.2023 made in WP No.27797 of 2023.

For Appellants :

Dr.R.Gouri, Government Counsel

For Respondent :

Ms.K.Jenitha for Sole Respondent



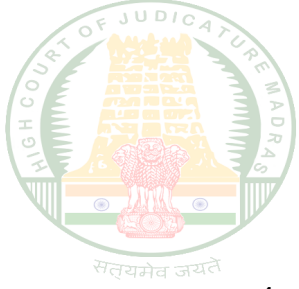
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Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 26.09.2023 passed in W.P.No.27797 of 2023.

2. State preferred the present writ appeal under Clause XV of the Letters Patent mainly on the ground that the relief granted by the writ court is falling beyond the eligibility criteria for grant of monetary benefit applicable to the respondent. Respondent was holding the post of Plot Watcher and retired from service on 30.06.2017.

3. Chain of orders are shown, wherein neither legal principles are considered nor first principles of service jurisprudence are followed. Contrarily, by following one order hundreds of orders are passed, which resulted in huge monetary loss to the State exchequer. Thus the High Court, in pay matters such as monetary benefits, revision of pay, pensionary benefits etc., is expected to exercise restraint and while granting such benefits the facts and legal principles are all to be considered independently based on case to case basis.



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4. The facts in brief in the present case are that the respondent was appointed as temporary social forestry worker on 03.09.1984. Considering the long temporary service, the Government appointed the respondent as Plot Watcher with effect from 07.08.2009 and his services are regularised. Since no sanctioned posts were available, supernumerary posts of Plot Watchers were created and all the temporary social forestry workers were accommodated in the supernumerary posts of Plot Watchers. The respondent in the present case retired on 30.06.2017.

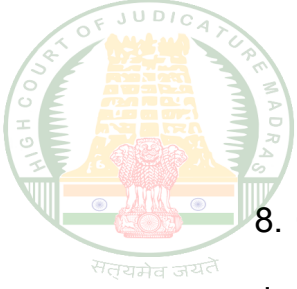
5. The relief sought for by the respondent herein / petitioner in the writ petition is to refix time scale of pay to him as Forest Watcher taking into account of his seniority and qualification on par with his juniors in the light of the orders passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, and W.A.No.607 of 2010 dated 20.03.2010 and to confer all consequential service and monetary benefits within a stipulated time.

6. One Division Bench of this Court in the order dated 20.01.2015 passed in W.A.No.1703 of 2014, while granting the relief, made an observation that “ However, we make it clear that the question of law involved



in the case on hand is left open to be decided in the appropriate case.” The said writ appeal also has been instituted by the State. However, the question of law was not decided by the said Division Bench. Therefore this court is inclined to consider the legal principles as well as the rights of these employees for grant of revision of pay with retrospective effect for grant of monetary benefits.

7. Temporary social forestry workers are engaged to watch the forest area and to perform the duties as directed by the forest department officials. Considering the long service, the Government created supernumerary posts of Plot Watchers and absorbed the temporary workers as regular employees. In the present case, the respondent retired on 30.06.2017. When the plot watcher post itself is a supernumerary post and not sanctioned on regular basis, now those employees cannot seek retrospective promotion to the post of Forest Watcher which is impermissible. Merely because these plot watchers possess requisite qualification, they cannot seek retrospective promotion since they were neither promoted nor appointed in the post of Forest Watchers and admittedly retired as Plot Watchers in the supernumerary post.



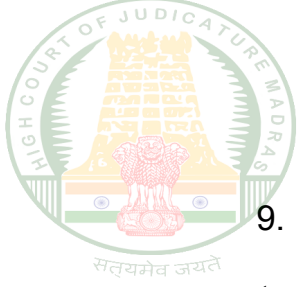
8. One order passed in favour of one Plot Watcher resulted in passing several such orders without considering the service rights of these employees.

The legal principles regarding claiming of similar benefits based on certain orders which all are not in accordance with the service jurisprudence was settled by the Full Bench of this Court in the case of **A.Sundaram -vs- State of Tamil Nadu and Others (2026 MHC 2249)**, wherein it was held as follows:

“10. His second submission is that it was not necessary for the writ petitioners to incorporate a specific challenge to the statutory provisions of the State enactment. If during the course of hearing the Court finds that the legislature lacked competence, it can always go into the issue of validity of the enactment. Thirdly, he submits that in view of Article 144 of the Constitution of India, this Court should do substantial justice. Lastly, he submits that if hypertechnical approach is adopted by this Court, the object for which certain provisions were incorporated in the Constitution for the benefit of the Scheduled Tribes, will be completely defeated.

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12. In absence of specific pleadings, a Writ Court ought not to have gone into the issues of repugnancy or lack of legislative competence. Learned counsel appearing for the writ petitioners (6th and 7th respondents) relies upon various decisions of this Court including the landmark decision in the case of S.P. Gupta v. Union of India.”

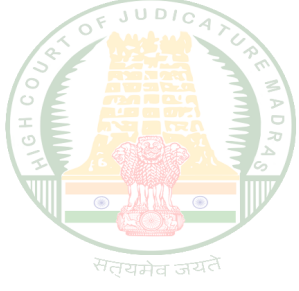


9. This Court is of the considered view that the respondent was not promoted to the post of Forest Watcher nor served in the said post. He was regularised in the post of Plot Watcher and retired from service on 30.06.2017. Therefore, the benefits as admissible to the post of Plot Watcher alone is to be settled in favour of the respondent. Claiming retrospective promotion to the post of Forest Watcher after retirement is inadmissible under the service rules. The relief sought for in the writ petition is to grant such benefits on par with the juniors. Thus, this Court relied on the judgment of the Full Bench cited supra, wherein the legal principles are settled. Therefore, the judgments relied on by the writ petitioner cannot be followed as a precedence for granting relief in a routine manner in other cases, which would result in huge financial burden to the State exchequer. Such retrospective promotion would result in unjust gain to the employees and financial loss to the exchequer.

10. With the above observations, the writ order dated 26.09.2023 is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
09-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No
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WA No. 1651 of 2026

**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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