



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:
21.08.2019

Delivered on:
30.08.2019

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CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WP.Nos.18771, 17450, 18781, 18791
18796, 18803 and 19865 of 2019

1. P.ASOKAN
2. R.PARAMESHWARI
3. T.MUNISAMY
4. M.CHELLAPERUAMAL
5. V.MURUGAN
6. M.GOVINDASAMY
7. C.RAMAKRISHNAN
8. S.RAVI
9. C.SEKAR
10. S.MANI
11. ***V. PACHIAYAMMAL**
12. P.SUBRAYAN
13. T.K.PALANI
14. P.SELVARAJ
15. K.SHANMUGAM
16. G.RAJENDRAN
17. A.CHINNAN
18. D.KESAVAN
19. G.SRINIVASAN
20. T.KOODALINGAM

... PETITIONERS in W.P.No.18771 of 2019

1. P.SUBRAMANIYAN
2. K.MURUGAN
3. M.KARIAPPAN
4. G.PERUMAL
5. E.MARIAPPAN
6. P.MARIMUTHU
7. M.VEDI
8. M.VELAYUTHAM
9. M.CHINNAPONNU
10. P.SWANTHRAJ
11. M.K.EKAMBARAM
12. P.THANGAM
13. P.G.MURUGESAN
14. K.E.MADHAIYAN
15. C.PARAMSIVAM
16. K.PERUMAL

... PETITIONERS in WP No.17450 of 2019



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- 1 N.HARI GOPAL
- 2 P.BALASUBRAMANIAN
- 3 K.KAMALA
- 4 T.GOVINDAN
- 5 M.RAMASAMY
- 6 K.ANBALAGAN
- 7 J.MURUGESAN
- 8 K.VENKATACHALAM
- 9 K.LOGANATHAN
- 10 D.VENKATESAN
- 11 L.MANOCHARAN
- 12 V.CHINNASAMY
- 13 K.GNANASEKARAN
- 14 V.RAMASAMY
- 15 P.VEERASAMY
- 16 R.RANI
- 17 K.UMA
- 18 C.SEKAR
- 19 S.K.THANIKACHALAM
- 20 C.AYOTHI
- 21 R.PALAVESAM
- 22 V.ELUMALAI
- 23 M.SAMIKANNU
- 24 P.RAMACHANDRAN

... PETITIONERS in WP No.18781 of 2019

- 1 S.ANDI
- 2 B.GOVINDAN
- 3 R.PARVATHI
- 4 A.SUBRAMANI
- 5 A.GUNASEKARAN
- 6 K.RAJAMANICKAM
- 7 M.KRISHNAN
- 8 A.EBINESAN
- 9 M.PERIYASAMY
- 10 K.RENGANATHAN
- 11 M.DURAISAMY
- 12 R.JOHN
- 13 R.GOPAL
- 14 T.KRISHNAN
- 15 B.THILAGAM
- 16 R.RAMASAMY
- 17 V.BOOPALAN
- 18 M.PACHAIMUTHU
- 19 M.VISWABOOPATHY

... PETITIONERS in WP No.18791 of 2019

- 1 V.SUBRAMANI
- 2 P.KARUPPUSAMY



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- 3 M. CHINASAMY
- 4 P. KARUPPIAH
- 5 R. SUNDARAMOORTHY
- 6 K. SELVARAJ
- 7 M. RAMASAMY
- 8 K. ARUMUGAM
- 9 C. RAJEE
- 10 V. KASPAR
- 11 N. MUNIRAJ
- 12 M. KOCHADAI
- 13 A. RAJEDRAN
- 14 N. PANDI
- 15 N. RAMAR
- 16 V. CHINNAIAH
- 17 C. MARAN
- 18 V. RAMACHANDRAN
- 19 S. KANNAN
- 20 ***K. KUPPURAM**
- 21 K. SUBRAMANI
- 22 K. PERIYASAMY
- 23 T. NAGARATHINAM
- 24 M. MUNUSAMY
- 25 M. PARVATHAM
- 26 M. NANJAPPA
- 27 K. KUBENDRAN
- 28 N. KARUPPANNAN
- 29 K. MUNUSAMY
- 30 G. PARASURAMAN

... PETITIONERS in WP No.18796 of 2019

- 1 M. VENKATESAN
- 2 K. KRISHNAN
- 3 S. MUTHURAMALINGAM
- 4 N. MUNUSAMY
- 5 M. IRUDAYANATHAN
- 6 T. SITHTHAN
- 7 E. MUNIAPPAN
- 8 P. VEERAN
- 9 M. PALANI
- 10 P. PONNUSAMY
- 11 S. SAKKILA
- 12 P. MURUGESAN
- 13 C. SUNDARAM
- 14 R. PARTHIBAN
- 15 S. MUNUSAMY
- 16 R. MADHU
- 17 A. PERUMAL
- 18 S. RAMALINGAM



19 T.G.KASI
20 P.SUNDARAMOORTHY

... PETITIONERS in WP No.18803 of 2019

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1 T.MUNUSAMY
2 A.MARIAPPAN
3 A.VARADHAN
4 P.DUR AISAMY
5 M.SUBRAMANI
6 V.M.SUBURAYAN
7 S.HUSSAINEER
8 L.GOVINDARAJEE
9 P.DEVARAJ
10 M.RAMAN
11 D.MANICKAM
12 J.GOVINDAN

... PETITIONERS in WP No.19865 of 2019

versus

1. GOVERNMENT OF TAMIL NADU,
REP.BY ITS SECRETARY,
ENVIRONMENT AND FOREST DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.
2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, SAIDAPET,
CHENNAI-600 015.

.. RESPONDENTS IN ALL WPS.

Prayers:-

Common Prayer in WP.Nos.18771, 17450 & 18803 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to regularize the service of the petitioners as Forest Watcher from 24.01.1995 notionally by taking into account their seniority and qualification, on par with their junior Mr.Karuppan 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, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 by considering the representation dated 16.02.2018 (in WP.No.18803 of 2019) and confer all consequential benefits.



WP No.18781 of 2019:-

directing the respondents to appoint the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in W.P. No. 15561 of 2006 dated 10.3.2008, W.A. No. 690 of 2008 dated 13.10.2009, W.P. No. 23374 of 2008 dated 30.10.2009, W.A. No. 607 of 2010 dated 29.3.2010 and proceedings of the 2nd respondent and 7.1.2011 and confer all consequential benefits.

WP No.18791 of 2019:-

directing the respondents to appoint the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in W.P. No. 15561 of 2006 dated 10.3.2008, W.A. No. 690 of 2008 dated 13.10.2009, W.P. No. 23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2nd respondent and 7.1.2011 and confer all consequential benefits.

WP No.18796 of 2019

directing the respondents to appoint the petitioners as regular time scale Forest Watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in W.P. No. 15561 of 2006 dated 10.3.2008, W.A. No. 690 of 2008 dated 13.10.2009, W.P. No. 23374 of 2008 dated 30.10.2009, W.A. No. 607 of 2010 dated 29.3.2010 and proceedings of the 2nd respondent and 7.1.2011 and confer all consequential benefits.

WP No.19865 of 2019

Directing the Respondents to appoint the Petitioners as regular time scale forest watchers taking into account of their seniority and qualification, on par with their juniors in the light of the orders passed in W.P. No. 15561 of 2006 dated 10.3.2008, W.A. No. 690 of 2008 dated 13.10.2009, W.P. No. 23374 of 2008 dated 30.10.2009, W.A. No. 607 of 2010 dated 29.3.2010 and proceedings of the 2nd respondent and 7.1.2011 and confer all consequential benefits



For Petitioner : Mr.S.Mani in all WPs

For Respondents : Mr.Thangavadana Balakrishnan
AGP for R1 & R2 in all WPs

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COMMON ORDER

Since the issues raised in all the Writ Petitions and also the facts and reliefs sought for therein, are similar, these Writ Petitions are taken up together and being disposed vide this common order.

2. The common issue raised in all the Writ Petitions is about the regularization of the Forest Watchers/Forest Guards in the Forest Department with effect from 24.01.1995 on par with their juniors without monetary benefits.

3. When the matters are taken up for hearing, the learned counsel appearing for the petitioners would submit that the issue of regularization of Forest Watchers/Forest Guards has been the subject matter of consideration before this Court in a number of Writ Petitions and Writ Appeals, wherein, series of orders were passed by this Court, ordering regularization of the employees like the petitioners herein in the Forest Department on par with their juniors with effect from 24.01.1995. In fact, the present Petitioners have been working number of years as Forest Watchers/Forest Guards on daily wage basis and subsequently, their services were regularized, but not on par with their juniors. However, the Forest Department on the basis of several directions issued by this Court, has regularized several hundreds of similarly placed employees with effect from 24.01.1995 for the purpose of making them eligible to receive pensionary benefits.

4. On behalf of the petitioners, the learned counsel would rely upon the following orders of this Court, wherein, this Court has given direction to the Forest Department to regularize the services of the Forest Watchers/Forest Guards, who were working number of years on daily wage basis, on par with their juniors.

1. Order, dated 21.11.2013 in W.P.No.25656 of 2018
2. Order, dated 21.2.2014 in W.P.No.5236 of 2014
3. Order, dated 15.09.2014 in W.P.No.25612 of 2014
4. Order, dated 5.1.2016 in W.P.No.30 of 2016
5. Order, dated 7.11.2016 in W.P.No.38536 of 201
6. Order, dated 17.5.2017 in W.P.No.12977 of 2017
7. Order, dated 02.03.2018 in W.P.No.4029 of 2018
8. Order, dated 27.09.2018 in W.P.No.302 of 2012
9. Order, dated 11.12.2018 in W.P.No.32571 of 2018



5. This Court, after going through the above orders, is satisfied that the issue is fully covered by the earlier orders of this Court and for the purpose of factually narrative, the latest decision passed by this Court in W.P.No.32571 of 2018, is relevant to extract as under:

"Petitioners were appointed on daily wage basis in the Forest Department as Plot Watchers / Social Forestry Worker. The above said post is a non-cadre post, in which more than 3000 persons had been appointed throughout the State, during the relevant period, including the petitioners. As per Tamil Nadu Forest Service Rules, the qualification required for holding the post of Forest Watcher is "ability to read and write". As against the said Rule, the Government issued G.O.Ms.No.332, Forest Department, imposing a new condition to have a pass in SSLC for holding the regular post of Forest Watcher. As per the above Government order, 425 SSLC qualified persons were appointed as Forest Watcher, and those who do not possess SSLC qualification were excluded, whereby juniors had marched over the seniors.

2. Aggrieved by this, the unqualified SSLC daily wage plot watchers challenged the G.O.Ms.No.332 dated 22.12.1994 before the Tribunal by filing O.A.No.197 of 1995 and obtained interim stay. During the pendency of original application before the Tribunal, the Government issued G.O.Ms.No.64, Forest Department and restored the qualification of "Ability to read and write" as prescribed in the Rule instead of a pass in SSLC. Thereafter, during 2003-2018, the petitioners were brought to time scale of pay in the cadre post of Forest Watcher, after rendering more than two decades of service on daily wage basis. Similarly placed persons like the petitioners filed W.P.No.15561 of 2006 and W.P.No.23374 of 2008 and those writ petitions were allowed. W.A.No.690 of 2008 and 607 of 2010 were filed as against the orders passed in the above writ petitions, which were dismissed. Thereafter, the Government implemented the aforesaid order of this Court and gave regular time scale of pay to the petitioners on par with their juniors with effect from 24.01.1995. The petitioners have submitted a representation dated 23.06.2017 to the respondents seeking to regularise their services on par with their juniors, but no order has been passed. Thus,



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the present writ petition is filed.

3. Mr.K.K.Ramesh, learned Government Advocate (Forests) takes notice on behalf of the respondents.

4. Learned counsel for the petitioners submits that the issue involved in this writ petition as regards regularisation of service of the petitioners on par with their juniors with effect from 24.01.1995 is settled by this Honourable Court in series of decisions and therefore, the relief sought for is no longer res integra. He further submits that the relief sought for in this writ petition is a remedy in rem and not a remedy in personam.

5. Learned Government Advocate appearing for the respondents, on instructions, would submit that regularisation can be done without monetary benefits and only for the purpose of calculation of qualifying service for pension.

6. Considering the submissions as advanced by the learned counsel on either side, without going into the merits of the issue, this Court directs the respondents to regularise the services of the petitioners as Forest Watcher on par with their junior in the light of the orders passed by this Court. However, it is made clear that the regularisation will be only for the purpose of counting the qualifying service for pension and not for monetary benefits. The respondents are directed to carry out the exercise of granting regularisation within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

6. In fact, the prayer itself in the Writ Petition is to direct the respondent Department to grant regularization from 24.01.1995 by taking into account the seniority and qualification of the petitioners therein, on par with their juniors.

7. The facts which gave rise to the filing of the present Writ Petitions and the prayer sought for, are not disputed by the respondents Department in their counter affidavit. In fact, the counter affidavit has narrated the history of the daily wage employees who were brought on regular time scale of pay over a



period of time numbering 500 employees, by issuance of G.Os. to their benefit. Those G.Os. which came under consideration of this Court in the catena of decisions, has resulted in regularizing the casual Forest Watchers and Forest Guards from a particular date, i.e. 24.01.1995.

8. The only objection appears to be is that as far as the present set of Writ Petitions is concerned, the learned Addl. Government Pleader for the respondents would draw the attention of this Court to para 13 of the affidavit, which is extracted as follows:

"13. It is respectfully submitted that the petitioners in W.P.No.18771 of 2019, Sl.Nos.13 & 14; in W.P.No.18791 of 2019, Sl.Nos.6, 7 & 8 and in W.P.No.18796 of 2019, Sl.No.23 are still employed as Supernumerary Watchers only since they have not been appointed to the post of Forest Watcher itself, the question of revision of seniority in the post of Forest Watcher does not arise."

9. Since the issue involved in these Writ Petitions is no more res integra, calling for any fresh adjudication by this Court and the respondents Department itself has chosen to implement all the directions of this Court in favour of the employees concerned, this Court has to necessarily allow the present Writ Petitions as well.

10. Accordingly, all the present Writ Petitions are allowed as prayed for. No costs. It is made clear that the petitioners herein, on being regularized with effect from 24.01.1995 are not entitled to any monetary benefits, but they are entitled for counting of the service for the purpose of pension and other retirement benefits. It is also clarified that the direction of this Court would not be applicable to the petitioners whose serial numbers and writ petitions were given in para 13 of the counter affidavit extracted above.

11. The respondents are directed to pass appropriate orders, granting regularization to the petitioners with effect from 24.01.1995 within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IX) 09.09.2019

***Corrected as per Letter dated 01.09.2021**

**by Mr.P.Muthukumar, State Government Pleader,
High Court, Chennai 104**

//True Copy//

Sub Assistant Registrar

Suk



To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai-600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-600 015.

**To be
substituted
to the order
already
despatched on
13.09.2021**

+142ccs to Mr.S.Mani, Advocate, S.R.No.75175 to 75181

W.P.Nos.18771 of 2019, etc.

NMI (CO)
CS/10/09/2019
KKV/18/02/2022