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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.Nos.1838, 1839, 1988 & 2178 of 2018
and

C.M.P.Nos.14767, 14768, 15828 & 16890 of 2018

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-15.
3. The Forestry Extension Officer,
Forestry Extension Center,
Ulundurpet,
Villupuram District.

.. Appellants in W.A.Nos.1838 &
1839 of 2018

1. The Principal Chief Conservator of Forests,
Office at Panagal Maaligai,
Saidapet, Chennai - 15.
2. The District Forest Officer,
Vellore, Vellore District.

.. Appellants in W.A.No.1988/2018

1. Government of Tamilnadu,
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.



3. The Divisional Forest Officer,
Social Forestry Division,
Salem Circle & District.

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.. Appellants in W.A.No.2178/2018

Vs.

S. Thandapani	..Respondent in W.A.No.1838/2018
P. Rajendran	..Respondent in W.A.No.1839/2018
M. Ravishankar	..Respondent in W.A.No.1988/2018
A.Sekar	..Respondent in W.A.No.2178/2018

Prayer in W.A.No.1838/2018: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2014 made in W.P.No.25681 of 2014 on the file of this Court.

Prayer in W.A.No.1839/2018: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 22.09.2014 made in W.P.No.25697 of 2014 on the file of this Court.

Prayer in W.A.No.1988/2018: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 24.09.2014 made in W.P.No.25991 of 2014 on the file of this Court.

Prayer in W.A.No.2178/2018: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 17.09.2014 made in W.P.No.25276 of 2014 on the file of this Court.

Prayer in WP No.25681 of 2014: Direction to the respondents to appointment the petitioner as Forest Watcher by giving relaxation with respect to height with effect from the date of his junior's promotion in the light of judgment made in W.P.No.6327 of 2005 and with consequential benefits.

Prayer in WP No.25697 of 2014: Direction to the respondents to appointment the petitioner as Forest Watcher by giving relaxation with respect to height with effect from the date of his Junior promotion in the light of the judgment made in WP.No.6933 of 2005 and with consequential benefits.

Prayer in WP No.25276 of 2014: It is prayed by the Petitioner that this Honourable Court may be pleased to issue a writ, direction or Order in the nature of a Writ of Mandamus directing the respondents to appoint the Petitioner in the cadre Post of



Forest Watcher, by giving relaxation with respect to height by extending the benefit of G.O.(2D) Ms. No.56, Environment and Forest Department dated 06.04.2006 on the basis of the order dated 04.12.2012 passed by this Court in WP.No.6327 of 2005 with all service and monetary benefits within a time limit that may be fixed by this Honourable Court and pass further suitable orders and thus render justice.

Prayer in WP No.25991 of 2014: It is prayed by the Petitioner that this Honourable Court may be pleased to issue a writ, direction or Order in the nature of a Writ of Mandamus directing the respondents to ensure the implementation of the proceedings of the first respondent in Ref. No.LL2/ 18881/ 2013 dated 04.03.2014 as per the State Wide Seniority maintained by the respondents without insisting the requisite height of 163 cms as per the Service Rules and to appoint the petitioner in the Cadre Post of Forest Watcher in the regular Time Scale of Pay with all consequential service and monetary benefits and pass further suitable orders and thus render justice.

For Appellants : Mr.R.Neelakandan
in all W.As. State Government Counsel

For Respondent : Ms.K.Jenitha
in all W.As.

COMMON JUDGMENT

[delivered by PUSHPA SATHYANARAYANA, J.]

These appeals are preferred by the Government against the order passed in a batch of writ petitions seeking issuance of mandamus directing the appellants to appoint the petitioners in the cadre post of Forest Watcher by giving relaxation with respect to height by extending the benefit of G.O.(2D) Ms.No.56, Environment and Forest Department, dated 06.09.2006.

2. In a similar writ appeal, this Court, by order dated 20.01.2015 in W.A.No.1703 of 2014 had passed the following order:

"There is no dispute that to be a Forest Watcher, one should possess physical requirement of height of 163 cms. and 79 cms. of chest with 5 cms. expansion. It appears that in the case of the writ petitioner/respondent herein, there is no deficiency



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in chest measurement. However, there is some deficiency in his height. The appellants have failed to establish as to how the deficiency in his height would substantially affect his performance, especially, when he has been working as Plot Watcher for the last 25 years. The appellants had, indisputably, granted the benefit to other employees. Thus, in the light of the same, we are of the considered view that the order passed by the Writ Court, which is sought to be impugned in the instant appeal, does not warrant interference in the facts of the case. 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."

3. The said decision was based on the decision of the Hon'ble Supreme Court in Ghan Sham Sunder and Others vs. State of Punjab and Others, reported in (2004) 9 SCC 508. Admittedly, these writ petitioners were engaged by the department from the year, 1985 and they were also regularised on 07.08.2009.

4. Considering the length of service rendered by them they should also be appropriately considered for relaxing the height required for the said post. Accordingly, the benefit of the order in W.A.No.1703 of 2014 is extended to the respondents herein also.

5. In view of the above, these Writ Appeals are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai-9.



2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai-600 015.

3.The Forestry Extension Officer,
Forestry Extension Center,
Ulundurpet,
Villupuram District.

4.The District Forest Officer,
Vellore,
Vellore District.

5.The Divisional Forest Officer,
Social Forestry Division
Salem Circle and District.

+lcc to the Special Government Pleader,High Court, Madras,
S.R.No.39994

W.A.Nos.1838, 1839, 1988
& 2178 of 2018

and
C.M.P.Nos.14767, 14768, 15828
& 16890 of 2018

SJ(CO)
SU(08/09/2021)