



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WP.No.15630/2021

[Video Conferencing]

1.C.Sakkarai
2.D.Govindan
3.K.Elumalai
4.S.Panneerselvam
5.K.Mani
6.S.Manjini
7.R.Ganesan
8.K.Annadurai
9.A.Pitchaikaran

..Petitioners

Vs.

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 Forest
Panagal Building, Saidapet,
Chennai-15.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents to appoint the petitioners in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of their juniors appointment in the post of Forest Watcher on 24.01.1995 and 08.03.1999 by considering their representation dated 04.01.2021 in the light of the order passed in WP.No.9708/2014 dated 12.09.2014, WP.No.25274/2014 dated 17.09.2014, WA.No.1703/2014 dated 20.01.2015, SLP [Civil] No.12056/2015 dated 05.07.2016, and Ref.No.LL2/31604/2014 dated 10.02.2020 and also G.O.[Ms] No.49, Environment and Forests [FR2-II] Department dated 01.09.2020 with all consequential benefits within time frame.



For Petitioners : Ms.K.Jenitha
For R1& R2 : Mr.C.Kathiravan
Government Advocate

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ORDER

1. By consent, the writ petition is taken up for final disposal and disposed of by this order.
2. Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2.
3. The present writ petition is filed seeking a mandamus directing respondents 1 and 2 to appoint the petitioners in the cadre post of Forest Watcher by giving the benefit of relaxation of height rule with effect from the date of their juniors appointment in the post of Forest Watcher on 24.01.1995 by considering their representation dated 04.01.2021 in the light of the order passed in WP.No.9708/2014 dated 12.09.2014, WP.No.25274/2014 dated 17.09.2014, WA.No.1703/2014 dated 20.01.2015, SLP [Civil] No.12056/2015 dated 05.07.2016, and Ref.No.LL2/31604/2014 dated 10.02.2020 and also G.O.[Ms] No.49, Environment and Forests [FR2-II] Department dated 01.09.2020 with all consequential benefits within time frame.
4. By an order dated 02.08.2017, the petitioners were brought under regular time scale of pay as Supernuery Plot Watcher. The petitioners are eligible for further promotion as Forest Watchers, but, they were not considered for the post and therefore, Writ Petitions have been filed to direct the respondents to regularise the service of petitioners in the cadre of Forest Watcher on par with their Juniors by relaxing the height rule.
5. The learned counsel for the petitioners submitted that in similar circumstances, this Court passed an order in W.P.No.6327 of 2005, dated 4.12.2012, directing the respondents therein to consider the case of the petitioners for regularisation as Forest Watcher, without disqualifying him on the ground of height.
6. Learned Government Advocate appearing for the respondents submitted that the petitioners do not possess minimum physical standard prescribed under the Subordinate service Rules viz. 163cms height for appointment to the post of Forest Watcher and therefore, no relaxation can be given to the petitioners. The learned Government Advocate also submitted that nearly 3000 employees are having such defect



7. Heard the submissions made by the learned counsel appearing on either side and perused the materials placed on record.

9. Considering the same, the respondents are directed to consider the case of the petitioners and appoint them as Forest watcher and it is also made clear that the petitioners are entitled for monetary benefits of that appointment only from the date on which they join duty. As far as fixation of pay is concerned, the petitioners are entitled from the date on which their juniors were promoted till they actually join the post and pay can be fixed notionally. This direction with regard to pay fixation is given taking into account the fact that after serving for long number of years in the respondent Department and if appointment is directed to be given with effect from today, the petitioners may not have pensionary and other benefits, even to a certain extent also, on their retirement. Hence, the respondents are directed to complete the exercise of giving appointment orders to the petitioners within a period of eight weeks from the date of receipt of a copy of this order. If any relaxation of the Rule is necessary as



was done in the case of Sivanesan by G.O.(2D) No.56, Environment and Forest Department dated 06.09.2006, the respondents are directed to take appropriate steps and to get relaxation of the Rules.

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10. With the above direction and observation, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

AP

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 Forest
Panagal Building, Saidapet,
Chennai-15.
- +1cc to Special Government Pleader (Forest),
High Court, Madras S.R.No.36857

WP.No.15630/2021

CA(CO)
RGA(02/09/2021)