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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21799 OF 2021

AND

W.M.P.NO.22984 OF 2021

(Through Video Conferencing)

1. R.Muthulakshmi
2. S.Selvaraj
3. K.Manickam
4. A.Annamalai
5. C.Natarajan
6. C.Lakshmanan
7. R.Kannan
8. M.Varatharajan
9. A.Kandhasamy
10. M.Boobathi

... Petitioners

.Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Building,
Saidapet, Chennai - 15.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue 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 11.02.2020 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014, W.P.No.25274 of 2014 dated 17.09.2014, W.A.No.1703 of 2014 dated 20.01.2015, SLP



(Civil).No.12056 of 2015 dated 05.07.2016, G.O.(Ms).No.138, E & F (FR2-II) Department dated 22.11.2019 with all consequential benefits.

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For Petitioners : Ms.K.Jenitha

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the respondents.

2. The petitioners were appointed as Plot Watchers way back in 1980-1983 and 1986. Some of the Plot Watchers who were later promoted as Forest Watchers filed writ petition in W.P.No.9708 of 2014. The said writ petition came to be disposed by an order dated 12.09.2014.

3. The operative portion of the said order reads as under:-

"7. Considering the same, the respondents are directed to consider the case of the petitioner as Forest Watcher and it is also made clear that the petitioner is entitled for monetary benefits of that appointment only from the date on which he joins duty. As far as fixation of pay is concerned, the petitioner is entitled from the date on which his junior was promoted till he actually joins 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, if appointment is directed to be given with effect from today, the petitioner may not get pensionary and other benefits, even to a certain extent also, on his retirement. Hence, the respondents are directed to complete the exercise of giving appointment orders to the petitioner 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



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directed to take appropriate steps and to get relaxation of the Rules.

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

4. Pursuant to the aforesaid order, many of the juniors who were appointed have been taken into service of the respondents as Plot Watchers/Forest Watchers etc and were given regularization and are getting pensionary benefits. The petitioners similarly placed, have been overlooked by the respondents even though the petitioners were appointed much earlier than the juniors.

5. In W.P.No.19830 of 2021, the writ petition was disposed at the stage of admission itself by recording the submission of the learned counsel for the petitioners and the learned Government Advocate for the respondents. The operative portion of the said order reads as under:-

"The issue appears to be prima facie covered by several decisions of this Court including that of the latest decision of a Hon'ble Division Bench of this Court in the case of The State of Tamil Nadu, Represented by its Secretary to Government, Chennai and others Vs S.Thandapani and others passed in W.A.Nos.1838, 1839, 1988 & 2178 of 2018 dated 11.08.2021.

2. Considering the same, this Writ Petition is disposed by directing the respondents to consider the representation of the petitioners dated 11.02.2020 and dispose the same within a period four weeks from the date of receipt of a copy of this Order, in the light of the above decision of this Court. No costs. Consequently, connected Writ Miscellaneous Petition is closed."

6. The respondents are directed to dispose the representation of regularize the services of the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. While disposing the said representation, the respondents shall consider the order passed in W.A.Nos.1838, 1839, 1988 & 2178 of 2018 vide order dated 11.08.2021 in the case of The State of Tamil Nadu, Represented by its Secretary to Government, Chennai and others Vs S.Thandapani and others.



7. This Writ Petition stands allowed in terms of the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George,
Chennai - 9.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Building,
Saidapet, Chennai - 15.

+1cc to the Special Government Pleader(Forests), S.R.No.53454

W.P.NO.21799 OF 2021 AND
W.M.P.NO.22984 OF 2021

AD(CO)
PBS/09/11/2021