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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 05.10.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.21483 of 2021
and
WMP.No.22716 of 2021

(Through Video Conferencing)

1.V.Suseela
2.K.Ramajayam
3.R.Radhakrishnan
4.M.Munusamy

... Petitioners

Vs.

1. Government of Tamilnadu,
Rep. By its Secretary,
Environment and Forest Department,
Fort St. George, Chennai-600009.

2. The Principal Chief Conservator of Forests
Panagal Maligai, Jeenis Road,
Saidapet, Chennai - 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to regularize the service of the petitioners as Forest Watcher from 24.01.1995 notionally for purposes of getting pension by taking into account their seniority and qualification, on par with their juniors 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 and W.P.No.22762 of 2014 dated 22.08.2014 and W.P.No.24 of 2016 dated 05.01.2016 and W.P.No.37631 of 2016 dated 26.10.2016 and W.P.No.32571 of 2018



dated 11.12.2018, and in W.P.No.18771 of 2019 dated 30.08.2019 and Order in W.P.No.19020 of 2021 dated 09.09.2021.

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

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O R D E R

This writ petition has been filed by the Plot Watchers and some of the deceased Forest Watcher's legal representatives. They have claimed retrospective seniority on par with the Juniors in the light of the orders that came to be passed by this Court.

2. The case of the Petitioners are that the Petitioners were appointed as Plot Watchers between 1976 and 1985 and thereafter their services were regularized and thereafter they were promoted as Forest Watchers between 2007 and 2011 whereas many of their Juniors were promoted as Forest Watchers on 24.01.1995. It is submitted that this has resulted in anomaly which ought to have been rectified by the Department by themselves. It is submitted that similarly placed persons have approached this Court and they have obtained orders. The learned counsel for the Petitioner has placed reliance on the following orders of this Court in W.P.Nos.22762 to 22769 of 2014 dated 22.08.2014, (2) W.P.No.24 of 2016 dated 05.01.2016, (3)W.P.No.37631 of 2016 dated 26.10.2016, (4)W.P.No.32571 of 2018 dated 11.12.2018, (5)W.P.No.18771 of 2019 dated 30.08.2019 and (6) W.P.No.19020 of 2021.

3. Appearing on behalf of the Respondents, the learned Government Advocate submits that the writ petition is liable to be dismissed as the Petitioners have approached this Court long after the alleged cause of action arose and long after the Petitioners have retired from services.

4. Considering the fact that this matter is no longer res integra and the orders have been passed by this Court in the above mentioned orders, this writ petition is allowed. The Respondents are directed to accord notional seniority to the Petitioner/deceased employee in terms of the above orders passed by this Court within a period of six weeks from the date of



receipt of copy of this order. No costs. Consequently,
connected WMP is closed.

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Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

rrg

To

1. The Secretary,
Government of Tamilnadu,
Environment and Forest Department,
Fort St. George, Chennai-600009.
2. The Principal Chief Conservator of Forests
Panagal Maligai, Jeenai Road,
Saidapet, Chennai - 600 015.

+4CCs to M/s.S.Mani, Advocate, SR.No. 51926
+1CC to The Government Pleader, SR.No. 52520

W.P.No.21483 of 2021

RGN(CO)
B.VC (02/11/2021)