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W.P.Nos.25178 to 25180 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.25178 to 25180 of 2014

and

M.P.Nos.2 (3MPs) & W.M.P.Nos.28146 to 28148 of 2018

- | | |
|-------------------------|---|
| 1.S.Mohamed Ismail Khan | ... Petitioner
in W.P.No.25178 of 2014 |
| 2.X.Charles Ravi | ... Petitioner
in W.P.No.25179 of 2014 |
| 3.V.Ravichandran | ... Petitioner
in W.P.No.25180 of 2014 |

Vs.

- | | |
|---|----------------------------------|
| 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai – 9. | |
| 2.The Principal Chief Conservator of Forests,
(Head of Forests Force)
Panagal Buildings, Saidapet,
Chennai – 15. | |
| 3.The Conservator of Forest,
Trichy Circle,
Trichy District. | |
| 4.The District Forest Officer,
Trichy Division,
Trichy District. | ... Respondents
in all 3 W.Ps |



W.P.Nos.25178 to 25180 of 2014

Prayer in W.P.No.25178 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the proceedings of the 2nd respondent in Na.Ka.No. A.Aa2/43740/2011, dated 05.09.2014 and quash the same and to consequently direct the respondents herein to regularise the services of the petitioner herein in the post of Forest Guard (Weapon Trainer) with retrospective effect from the date of the Petitioner initial appointment with notional effect without backwages and to grant him all consequential benefits.

Prayer in W.P.No.25179 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the proceedings of the 2nd respondent in Na.Ka.No. A.Aa2/43740/2011, dated 05.09.2014 and quash the same and to consequently direct the respondents herein to regularise the services of the petitioner herein in the post of Forest Guard (Wireless Operator) with retrospective effect from the date of the Petitioner initial appointment with notional effect without backwages and to grant him all consequential benefits.

Prayer in W.P.No.25180 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the proceedings of the 2nd respondent in Na.Ka.No. A.Aa2/43740/2011, dated 05.09.2014 and quash the same and to consequently direct the respondents herein to regularise the services of the petitioner herein in the post of Forest Guard (Arms Mechanic) with retrospective effect from the date of the Petitioner



W.P.Nos.25178 to 25180 of 2014

initial appointment with notional effect without backwages and to grant him all consequential benefits.

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For Petitioners : Mr.B.Thennarasu
For Mr.M.Ravi
(in all 3W.Ps)

For Respondents
[R1 To R4] : Mrs.S.Anitha
Special Government Pleader
(in all 3W.Ps)

[R3] : No Appearance

COMMON ORDER

The relief sought for in the present writ petitions is to call for the entire record pertaining to the proceedings of the 2nd respondent in Na.Ka.No.A.Aa2/43740/2011, dated 05.09.2014 and quash the same and to consequently direct the respondents herein to regularise the services of the petitioners in the post of Forest Guard (Weapon Trainer), Forest Guard (Wireless Operator) and Forest Guard (Arms Mechanic) respectively with retrospective effect from the date of the Petitioners initial appointment with notional effect without backwages and to grant all consequential benefits.

2. In nutshell, the petitioners, who were selected and appointed as Forest Guard (Weapon Trainer), Forest Guard (Wireless Operator) and Forest Guard (Arms Mechanic) respectively under Rule 10 (a) (1) of the General Rules for Tamil Nadu State and Subordinate Service Rules, were



terminated from service. A person appointed under Rule 10 (a) (1) of the General Rules are liable to be terminated at any point of time without any further notice. However, the Hon'ble Division Bench of this Court issued a direction in W.A.No.2441 of 2011 dated 02.09.2013 as follows:

“8. In the light of the said submission made, these Writ Appeals are disposed of by modifying the direction issued in Paragraph 10 of the order dated 08.08.2011 in W.P.Nos.2300, 2301 and 2302 of 2007 to the effect that Secretary to the Government, Environment and Forest Department, Chennai, shall consider the relaxation request of the Respondents on merits on pass orders, within the period of twelve weeks from the date of receipt of copy of this order, after giving opportunity of hearing to the Respondents.

9. It is made clear that if relaxation is granted by the Government, the Respondents can continue in service, as we disposed of the Writ Appeals with a direction to the Secretary to Government, Environment and Forest Department, Chennai, to consider the request of the Respondent on merits, the parties are directed to maintain status quo as on today, till then.”

3. The case of the writ petitioners also was considered pursuant to the directions issued by the Hon'ble Division Bench in W.A.No.2441 of 2011. The authorities found that the petitioners are not qualified as per the



rules in force, more specifically, the petitioners do not possess the requisite educational qualifications prescribed under Rule 5 of the Tamil Nadu Forest Subordinate Service Rules. In view of the fact that the petitioners were not qualified, their cases were not considered for regularization and permanent absorption.

4. Regularization and Permanent absorption cannot be granted in violation of the service rules in force. When the petitioners were initially appointed on temporary basis and terminated from service, sought for the benefit of regularization and permanent absorption, the Hon'ble Division Bench directed the authorities to consider the case on merits. Accordingly, the case of the petitioners was considered on merits and their claim for regularization was rejected on the ground that the petitioners does not possess the requisite educational qualifications as contemplated under Rule 5.

5. This being the factum, the petitioners are not entitled for the relief as such sought for in the present writ petitions. Further, the petitioners are already aged about 65 years, 65 years and 57 years respectively.

6. Accordingly, all the three writ petitions stand dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.



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Index : Yes
Speaking order : Yes

To

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Environment & Forest Department,
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- 2.The Principal Chief Conservator of Forests,
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S.M. SUBRAMANIAM, J.

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