



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)Nos.3603 to 3605 of 2020

WEB COPY

M.Sundararajan ... Petitioner in W.P.No.3603 of 2020
R.Sangili ... Petitioner in W.P.No.3604 of 2020
Ganesan ... Petitioner in W.P.No.3605 of 2020

Vs.

1.The Principal Chief Conservator of Forest
Saidepet, Chenani.

2.The Principal Secretary
Forest & Environmental Department
Chennai.

3.The Chief Accountant General
No.361 Anna Salai
Teynampet
Chennai.

4.The Conservator of Forest,
Trichy Circle,
J.K.Nagar, Trichy 23

5.The District Forest Officer,
Matchuvadi
Near Model School
Pudukottai & District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writs of Mandamus to direct the respondents to regularize the services of the petitioners from the year 1994 on par their juniors and consequently refix the petitioners' pension taking into account his seniority w.e.f. 1994 and disburse the pension by considering the petitioners' representation dated 21.05.2019 and 11.04.2019 respectively.

For Petitioners : Mr.K.Baalasundaram

For Respondents : Mr.M.Ramesh
(R1,R2,R4 & R5) Government Advocate

For 3rd Respondent : P.Gunasekaran



COMMON ORDER

The relief sought for in the present writ petitions is to regularize the services of the petitioners from the year 1994 on par with their juniors and consequently re-fix the petitioners' pension taking into account their seniority w.e.f. 1994 and disburse the pension by considering their representations dated 21.05.2019 and 11.04.2019 respectively.

2. The petitioners were appointed as Plot Watchers by the District Forest Ranger on 01.04.1978, 04.07.1982, 01.01.1980 respectively. The initial appointment was on daily wage basis. The Government issued G.O.Ms.No.332 dated 22.12.1994 for regularization of forest watchers and Social forest watcher working on daily wage basis. However, there was a delay in regularizing the services of the writ petitioners. In view of the challenge made before the Court, the Government issued revised order in G.O.Ms.No.64 Environment and Forest Department dated 08.03.1999. Thus, the earlier G.O.Ms.No.332 dated 22.12.1994 was revoked. Based on the subsequent Government order issued in G.O.No.64, the services of the writ petitioners were regularised as forest watchers on 31.12.1999, 22.08.1999 and 10.03.2003 respectively. The petitioners state that some of their juniors were regularized from the year 1994. However, the petitioners were continuing as permanent employees from 31.12.1999, 22.08.1999 and 10.03.2003 respectively and retired from service on 31.05.1996, 30.06.2016 and 30.06.2015 respectively and after receiving all the pensionary and terminal benefits, the petitioners sent representations for retrospective regularization.

3. This Court is of the considered opinion that the services of the writ petitioners were regularised in the year 1999 and 2003. They have not taken any steps to claim retrospective regularization or otherwise during the relevant point of time. They served till they reached the age of superannuation and after several years, they sent representations claiming retrospective regularization.

4. The regularization granted to the writ petitioners by relaxing the relevant rules itself is a concession granted by the Government. Grant of regularization and permanent absorption in respect of daily wage employees were given by way of a special concession and therefore, the Court cannot extend such concession for the purpose of retrospective regularization. This apart there is a long delay on the part of the petitioners even in approaching the authorities and after retired from service, they filed writ petitions seeking retrospective regularization, more so, the learned counsel appearing on behalf of the Accountant General and the learned Additional Government Pleader contended that there is no specific reference with regard to the juniors, whose services were regularized from the year 1994 and more so all the pensionary and terminal benefits were already settled in favour of the writ



petitioners and thus, the writ petitions are liable to be rejected on the ground of laches.

5. This Court is of the considered opinion that the grant of regularization itself is a concession extended to the writ petitioners and more so, they were continuing as regular employees for several years and after receiving the terminal benefits, they have filed the writ petitions seeking retrospective regularization, which cannot be granted.

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

Sd/-

Assistant Registrar(T & P)

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/ /2022

Sub Assistant Registrar(CS)

RR

To

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+1 CC to M/s.SPL.GP (SR-19359[F] dated 19/04/2022)

W.P. (MD)Nos.3603 to 3605 of 2020

18.04.2022

nsn(CO)

TR(27.04.2022) 3P 7C