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W.P.No.10116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 10116 of 2023
and
W.M.P.No.10139 of 2023

M.Ramadass

... Petitioner

Versus

1.The State of Tamil Nadu
Rep by its Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai-600 009.

2.The Principal Chief Conservator of Forest
& Head of Forest Force,
Panagal Building,
Saidapet,
Chennai-15.
Now having office at:
Forest Headquarters,
Velachery Main Road,
Guindy, Chennai-600 032.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Ref.No.LL1/5966/2019 dated 07.01.2021



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and quash the same with consequential direction to the respondents to regularize the petitioner's service as Forest Watcher from 24.01.1995 notionally by taking into account of his seniority and qualification on par with his junior V.Subramanian with all consequential benefits.

For Petitioner : Mrs.K.Jenitha

For Respondents : Mrs.R.Anitha
Special Government Pleader.

ORDER

This writ petition has been filed to call for the records of the 2nd respondent in Ref.No.LL1/5966/2019 dated 07.01.2021 and quash the same with consequential direction to the respondents to regularize the petitioner's service as Forest Watcher from 24.01.1995 notionally by taking into account of his seniority and qualification on par with his junior V.Subramanian with all consequential benefits.

2. The case of the petitioner is that he was appointed as Village Social Forestry Worker through Employment Exchange on 27.03.1986 in Social Forestry Range, Tiruvallur. Thereafter, he was deputed to the Rural



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Development Department in the year 1990 and subsequently, he was reabsorbed in the Forest Department. His name was included in the Statewide Seniority list by G.O.Ms.No.65 and he was appointed as Supernumery Plot Watcher on 23.07.2012. Subsequently, he was appointed as Forest Watcher by the proceedings of the District Forest Officer, Thiruvallur on 10.05.2017 and posted at Tambaram Range. While so, the 1st respondent had issued several G.O.'s to regularize the services of the Plot Watchers and Social Forestry Workers, who were appointed on daily wage basis. As such, in the year 1994, the Government, had issued G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, imposing a new condition of pass in S.S.L.C for holding regular post of Forest Watcher. Thereafter, as per the interim direction issued in O.A.No.197 of 1995 by the Tamil Nadu Administrative Tribunal, the Government restored the qualification of ability to read and write instead of a pass in S.S.L.C and also prepared a Statewide Seniority list by issuing G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999. It is his contention that though the respondent restored the qualification, the appointment of juniors were not cancelled. In view of that, the junior most persons marched over the seniors and got their further promotion also. It is



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his further contention that the respondents had not followed the statewide seniority list to bring the Plot Watchers and Social Forestry Worker into regular service. As a result, the juniors with reference to the date of appointment on daily wage basis have been regularized as Forest Watcher on 24.01.1995. Aggrieved by the same, the petitioner had made a representation dated 10.03.2018 to the 2nd respondent to consider his claim. Since the petitioner is entitled to get retrospective appointment to the post of Forest Watcher with effect from the date of his junior's retrospective appointment, he had filed a writ petition in W.P.No.2473 of 2019 seeking direction to regularize his service as Forest Watcher by considering his representation dated 10.03.2008 and the same was disposed of by order dated 29.01.2019 with a direction to considered his representation on merits. Thereafter, the respondent had not passed any orders and the petitioner had filed contempt petition and the 2nd respondent had issued an impugned order in Ref.No.LL1/5966/2019 dated 07.01.2021 rejected the claim of the petitioner stating reason that those persons, who were absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension. Against the impugned order, the petitioner had made an appeal on 08.03.2021 to the 1st



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respondent, but no order has been passed.

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3. The learned Counsel for the petitioner would submit that the similarly placed persons like the petitioner have also filed writ petition in W.P.No.18771, 17450, 18781, 18791, 18796, 18803 and 19865 of 2019 seeking direction to regularize their service from 24.01.1995 on par with their juniors in the light of the order passed by this Court in W.P.Nos.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 the same was allowed and the order of this Court was also implemented by the 2nd respondent. He would further submit that the petitioner only seek for retrospective promotion for the post of Forest Watcher on par with his juniors. Further, the erroneous reply given by respondent is liable to be quashed and appropriate orders has to be passed and his representation dated 11.06.2018 has to be considered.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.



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5. In view of the above facts and circumstances of the case, this Court is of the view that the petitioner's claim has been rejected without taking note of the fact that he is still working as a Forest Watcher. Further, similar placed persons as that of the petitioner has got favourable orders from this Court and the Government had also implemented the orders of this Court in favour of the employees. Hence, the impugned order in Ref.No.LL1/5966/2019 dated 07.01.2021 is quashed. The matter is remitted back to the authorities concerned for fresh consideration and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

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V.BHAVANI SUBBAROYAN, J.

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