



WEB COPY



W.P.No.10001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Writ Petition No.10001 of 2023

1. M.Saratha
2. R.M.Koneri
3. V.Selvamani
4. K.Ramalingam

... Petitioners

Versus

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment, Climate Change and Forest Department,
Fort.St.George, Chennai – 9.
2. The Principal Chief Conservator of Forest,
& Head of Forest Force,
Forest Headquarters,
Velachery Main Road,
Guindy, Chennai – 600 032.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the notional promotion of the petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004, in the light of the order passed in W.P.No.3463 of 2021, dated 18.02.2021 and in the light of the proceedings of the 1st respondent in Letter No.314/FR.2(i)/2022-1, dated 24.01.2022 by considering their representation dated 28.01.2023, 19.02.2022 & 26.11.2021 within time



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frame fixed by this Court.

For Petitioners : Ms.K.Jenitha

For RR1 to 3 : Mrs.R.Anitha,
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Writ of Mandamus to direct the respondents to consider the notional promotion of the petitioners as Forest Guard on par with their juniors by including their names in the panel drawn for the year 2003-2004 with effect from 31.05.2004, in the light of the order passed in W.P.No.3463 of 2021, dated 18.02.2021 and in the light of the proceedings of the 1st respondent in Letter No.314/FR.2(i)/2022-1, dated 24.01.2022 by considering their representation dated 28.01.2023, 19.02.2022 & 26.11.2021 within time frame fixed by this Court.

2. The case of the petitioner in brief:

(a) The petitioners were originally appointed as Plot Watchers/Social Forestry Workers on daily wage basis in the Forest Department on 15.08.1983 and 04.09.1985 respectively. In the Forest Department, numbers of persons have served on daily wage basis



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without regularization for long number of years and the qualification is only to read and write Tamil. Therefore, to rehabilitate them and to ensure that they got their service regularized in a phased manner, the Government has issued some Government Orders like 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 and as per the said G.O., 425 persons were appointed as Forest Watchers without considering the fact of seniority. Aggrieved by this G.O, the senior persons who were appointed before the appointment of 425 persons, have challenged the said G.O.Ms.No.332, dated 22.12.1994, before the Tamil Nadu Administrative Tribunal in O.A.No.197 of 1995 and during the pendency of O.A, the Government restored the qualification of ability to read and write, instead of pass in S.S.L.C, by issuing New G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999. This G.O was issued not only for the purpose of restoring the qualification, but also to prepare a statewide seniority list of Plot Watchers and Social Forestry Workers, but the persons who were appointed on the basis of G.O.Ms.No.332, were allowed to continue and they have also got their further promotions.



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(b) As far as the petitioners are concerned, their services came to be regularized in the cadre Post of Forest Watcher only on 03.08.2005, 03.01.2009 & 16.05.2013 respectively. In view of earlier appointment of juniors on 24.01.1995, the petitioners sent representation to the respondents, but it was not considered, and hence, the petitioners filed W.P.No.27257/2018, W.P.No.12879/2017, W.P.No.35/2016 and W.P.No.37630/2016 for a direction to the respondents to enable them to get regular time scale of pay on par with the petitioners juniors notionally in the category of Forest Watcher, taking into account of their seniority with all consequential benefits. Those Writ Petitions were allowed on 31.01.2019, 17.05.2017, 05.01.2016 and 26.10.2016 respectively. Thereafter, the first respondent issued Government Letter, dated 16.08.2017 to implement the order of this Court. Based on the said G.O.Ms.No.332, the date of appointment in the post of Forest Watcher alone is given with retrospective effect from 24.01.1995 on par with their juniors, but the consequential benefits of notional promotion in the next avenue, was not given by the respondents. Since the petitioners services are regularized, they are entitled to get the next



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promotion to the post of Forest Guard on par with their juniors on 31.05.2004. However, the respondents failed to confer notional promotion to the next avenue of promotion to the post of Forest Guard by including their names in the panel for the year 2003-2004. Hence, the petitioners sent representations dated 28.01.2023, 19.02.2022 and 26.11.2021 to the respondents to give notional promotion in the post of Forester Guard and without considering the representations of the petitioners, the respondents have informed that without getting order from this Court, they will not consider the claim for notional promotion. Therefore, the petitioners are constrained to file this present Writ Petition before this Court.

3. The learned Special Government Pleader appearing for the respondents submitted that the said representations given by the petitioners would be considered by the authorities concerned and appropriate orders would be passed on its own merits.

4. In view of the above submissions, without expressing any opinion on the merits of the case, this Court is inclined to pass an order directing the respondents to consider the petitioners' representations



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dated 28.01.2023, 19.02.2022 & 26.11.2021 and pass appropriate orders on their own merits and in accordance with law, as early as possible.

5. With the above direction, this writ petition is disposed of. No order as to costs.

30.03.2023
(1/2)

ssi

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

To:

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Rep., by its Secretary to Government,
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V.BHAVANI SUBBAROYAN,J

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