



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
30489 & 30486 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
30489 & 30486 of 2022 &**

WMP.Nos.121331 & 17564 of 2023 & 29926, 29923 of 2022

W.P.No.21965 of 2023

K.Muthulakshmi

... Petitioner

Vs

1. The Government of Tamilnadu,
Rep. by its Additional Chief Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
[Head of Forest Force],
Velachery Main Road Guindy, Chennai – 600 032. ... Respondents

Prayer in W.P.No.21965 of 2023 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus Calling for the entire records which culminated in issuing in Ref.



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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No.Pen1/55559/2019 dated 19.06.2023 on the file of the second respondent and quash the same and consequently directing the respondent to regularize the service of the petitioners after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family Pension in the light of the Hon'ble Supreme Court judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and Order in W.P.No.19023 of 2021 dated 09.09.2021 same was implemented by the Government in G.O.[2D] No.91 Forest Environment, Climate Change and Forest [FR.2[II] Department dated 30.06.2022 and confer all consequential pensionary benefits.

For Petitioner : Mr.S.Mani in all WPs

For Respondents : Mr.R.Neelakandan, AAG VIII
Asst. by Mr.S.Arumugam,
Government Advocate – R1 & R2

COMMON ORDER

These Writ Petitions have been filed to quash the letter in Ref. No.Pen1/55559/2019 dated 19.06.2023 on the file of the second respondent and consequently direct the respondent to regularize the



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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WEB COPY

service of the petitioners after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family Pension in the light of the Hon'ble Supreme Court judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and Order in W.P.No.19023 of 2021 dated 09.09.2021 and the same was implemented by the Government in G.O.[2D] No.91 Forest Environment, Climate Change and Forest [FR.2[II] Department dated 30.06.2022 and confer all consequential pensionary benefits to the petitioners. The Writ Petition in W.P.Nos.18365 of 2023 and 30489 of 2022 have also been filed to quash the G.O.[2D] No.91 Forest Environment, Climate Change and Forest [FR.2[II] Department dated 30.06.2022 and confer pensionary benefits to the petitioners.

2. The Writ Petitions in W.P.Nos.18370 and 20845 of 2023 have been filed by the wife to regularize the services of their husband as Plot Watchers in the light of the above Orders passed by this Court.



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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WEB COPY

3. The Writ Petitions in W.P.Nos.18365, 18368 and 18371 of 2023 have been filed to consider the representation of the petitioners and to regularise their service for getting pension and family pension.

4. The facts in all the Writ Petitions are almost identical, barring the dates and therefore, the facts as spoken in W.P.No.21351 of 2023 is taken up for dealing the facts.

5. The case of the petitioner is that the husband of the petitioner was appointed as a Plot Watcher on temporary basis on 01.04.1986 and subsequently as per G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, his services have been brought into regular time scale of pay as plot watcher [supernumerary post]. The husband of the petitioner has worked in the forest department for more than 29 years on daily wages. As the services of the husband of the petitioner has been regularised after 01.04.2003, he did not get pensionary benefits after retirement. But services of the juniors to the husband of the petitioner



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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WEB COPY

has been regularised their service before 01.04.2003 are getting pensionary benefits. However, the husband of the petitioner was denied of such benefit of accommodating him in the cadre post of forest watcher only on the ground that his request is contrary to Order of the Division Bench of this Court in W.A.No.158 of 2016 and batch cases dated 03.12.2019. According to the petitioner, similarly placed persons have already filed a Writ Petition in W.P.No.19027 of 2021 and the same was allowed and the Government also issued Government Order in G.O.[2D] No.91 Forest Department dated 30.06.2022. In this regard, the representation made by the petitioner has been rejected by the second respondent vide Order dated 19.06.2023. Challenging the same, the present Writ Petition has been filed.

6. The impugned Order has been challenged mainly on the ground that the service of similarly placed persons have been regularized with effect from 24.01.1995 and 02.02.1995 W.P.No.19027 of 2021 and the same was accepted by the Government and issued Government Order in G.O.Ms.No.91 Forest Department dated 30.06.2022.



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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WEB COPY

7. The learned Additional Advocate General placed reliance on the Order of the Division bench of this Court in W.A.No.158 of 2016 and batch cases and submitted that in the above Writ Appeal, the Division Bench of this Court has held that the Government servants who were appointed in non-provincialized service, consolidate pay, honoarium or daily wages basis before 01.04.2003, but were absorbed in regular service after 01.0.2003, will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension. Further, Special Leave Petitions filed by certain petitioners against the said Order has also been dismissed. Hence, submitted that the impugned Order does not warrant any interference.

8. Admittedly, the grievance of the writ petitioner is that the petitioner is seeking regularization of the service of her husband for pensionary benefits. It is the contention of the writ petitioner that similarly persons have been given such benefits as per Government



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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Orders of this Court in W.P.No.19027 of 2021 and the same was accepted by the Government and issued Government Order in G.O.Ms.No.91 Forest Department dated 30.06.2022. Hence, the respondent ought to have considered the claim of the petitioner to regularize the service of her husband after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family pension in the light of the judgment of the Apex Court in C.A.No.6798 of 2019 dated 02.09.2019 and Order in W.P.No.19023 of 2021 dated 09.09.2021. As per the above Orders, the relief has been extended to similarly placed persons.

9. In such view of the matter, the respondents are directed to consider the case of the petitioner in the light of the judgment of the Apex Court and Orders of this Court and as per the above Government Order, as the benefit has been extended to similarly placed person. In fact the plot watchers are frontline soldiers in forest and they are main protectors of the forest. These facts cannot be disputed by any one. Hence, while passing the Orders, the Government shall take into consideration the



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
30489 & 30486 of 2022

WEB COPY

nature of service rendered by the petitioners and also the fact that when similarly placed persons have already been granted the relief, if the husband of the petitioner is not granted such relief, the same is nothing but discrimination and it violates Article 14 of Constitution of India. In such view of the matter, the respondent shall extend the benefits as per above Government Order as it is extended to similarly situated persons.

10. As far as the Writ Petitions in W.P.Nos.18365, 18368 and 18371 of 2023 are concerned, the respondents are directed to extend the benefits to the petitioners and in Writ Petitions in W.P.Nos.18370 and 20845 of 2023 to regularize the services of the husband of the petitioners as Plot Watchers as per the above Government Order as it is extended to similarly situated persons. Such an exercise shall be completed within a period of six months from the date of receipt of a copy of this Order.

11. With the above directions, the impugned Orders W.P.Nos. 21965, 18365 of 2023, 30486 and 30489 of 2022 are set aside and all the Writ Petitions are disposed of accordingly. Consequently, connected



WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
30489 & 30486 of 2022

miscellaneous petitions are closed. No costs.

03.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Government of Tamilnadu,
Rep. by its Additional Chief Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
[Head of Forest Force],
Velachery Main Road Guindy, Chennai – 600 032.



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WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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N.SATHISH KUMAR, J.

VTC

**WP.Nos.21965, 18365, 18368, 18370, 18371, 20845 of 2023 &
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03.08.2023