



W.P.(MD).No.23104 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.23104 of 2023

1.V.Loganathan
2.P.Sangu
3.M.K.Subramanian
4.M.Kalimuthu

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Chennai-15.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to regularize the service of petitioners after completion of ten years from 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 Hon'ble Supreme Court judgment delivered in C.A.No.6789 of 2019, dated 02.09.2019 confer all



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consequential pensionary benefits by the way of considering our joint representation to the respondents, dated 28.06.2023.

For Petitioners : Mr.G.Chandrasekar

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed by four petitioners contending that they were initially appointed as Social Forestry Watcher in the Forest Department in the year 1986 on a daily wage basis and their services were subsequently regularised in the post of Plot Watcher by an order of the second respondent, dated 31.08.2009 with effect from 07.08.2009. All the petitioners had attained superannuation on different dates as detailed below:

Name	Date of appointment as daily wage	Seniority number	Date of Regularization	Date of retirement
V.Loganathan	01.10.1986	4842	07.08.2009	28.02.2022
P.Sangu	01.12.1982	2297	10.07.2007	29.02.2016
M.K.Subramaniyan	11.01.1983	3083	07.08.2009	30.04.2022
M.Kalimuthu	01.08.1983	1793	07.08.2007	31.12.2019



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2. The Government of Tamil Nadu has issued G.O(Ms)No.95 of the Environment and Forest (F-2) Department, dated 07.08.2009, wherein the Plot Watchers have been regularised. After attaining superannuation, another set of Plot Watchers had approached this Court by filing a writ petition in W.P.No. 19023 of 2021 seeking a Mandamus to regularise their services from the date of initial appointment as Plot Watchers for the purpose of getting pension and all other consequential benefits. The said writ petition was allowed by this Court on 09.09.2021. Another set of 14 similarly placed persons have filed W.P.No. 21627 of 2021 seeking a similar relief. The said writ petition was allowed by this Court on 07.10.2021. In compliance with the orders passed by this Court in W.P.No.21627 of 2021, the Government of Tamil Nadu in G.O(2D)No.127 Environment, Climate Change and Forest (FR.2ii) Department, dated 03.06.2023 has passed a Government order regularising the services of those petitioners from the date of their initial appointment.

3. The learned Additional Government Pleader appearing for the respondents pointed out that as per Clause 9 of the said Government order it should not be cited as a precedent in future.



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4. The four petitioners in the present writ petition are also similarly placed and their services may also be regularised from the date of their initial appointment, so that, the said services would be calculated for the purposes of pension.

5. I have carefully considered the submissions made on either side.

6. A perusal of the orders of this Court in W.P.No.19023 of 2021, dated 09.09.2021 and W.P.No.21627 of 2021, dated 07.10.2021 would clearly reveal that the petitioners in those writ petitions are similarly placed to the petitioners in the present writ petition. In view of the above said facts, this Court is inclined to allow the present writ petition and direct the respondents herein to regularize the services of the petitioners from the date of their initial appointment as Plot Watchers for the purpose of getting pension, family pension and all other consequential benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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