



W.A.(MD).No.670 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.670 of 2023
and C.M.P.(MD).No.5984 of 2023

1.The Principal Chief Conservator of Forests (HoFF),
Chennai.

2.The Conservator of Forests,
Dindigul Circle,
Dindigul District.

3.The District Forest Officer,
Chief Plantation Project,
Karur.

.. Appellants/Respondents

Vs.

B.Allah Baksh

..Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 16.08.2022 in W.P.(MD) No.5663 of 2019 on the file of this Court.

For Appellants : Mr.N.Satheeshkumar
Additional Government Pleader



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For Respondent : Mr.K.Kevinkaran

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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The appeal has been instituted against the order dated 16.08.2022 in W.P.(MD) No.5663 of 2019.

2. The State filed the appeal and the respondent is the writ petitioner and he instituted the Writ Proceedings questioning the validity of the order passed by the Principal Chief Conservatory of Forest dated 14.09.2018, rejecting the claim of the respondent for the regularization of his services.

3. The Government has taken a policy decision to regularize the services of the Plot Watchers and Village Social Forestry Workers by preparing a State Wide Seniority List and appoint them in a supernumerary posts of Plot Watchers in the Special Time Scale of Pay. Accordingly, the Government issued orders in G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, to regularize the services of Plot Watchers



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and Village Social Forestry Workers, whose names are find a place in State Wide Seniority List of Plot Watchers from Village Social Forestry Workers prepared as per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, and completed 10 years of service by placing them in the supernumerary posts of “Plot Watcher”.

4. The Government Order granting the benefit of regularization in the post of Plot Watcher by creating a supernumerary post is not applicable to the Writ Petitioner since he was engaged as Plot Watcher on temporary basis for a period of three years from 1987 to 1990. Thus, the petitioner is not entitled for inclusion of his name in the State Wide Seniority List. The initial error committed by including the name of the petitioner was cancelled subsequently. The order of the Tribunal is also not in favour of the Writ Petitioner since the Tamil Nadu Administrative Tribunal directed the authorities to verify the eligibility criteria. The order was since upheld by the Supreme Court of India, the policy decision taken fixing 10 years of service has been upheld. That being so, the petitioner has not satisfied the conditions as stipulated in the Government Order issued in G.O.Ms.No.95,



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Environment and Forest Department, dated 07.08.2009. Moreso, he was terminated in the year 1990 and completed only three years of service. That being the factum, the petitioner is not entitled for the relief as such sought for in the present Writ Proceedings.

5. Learned Single Judge has not considered the fact that the respondent has not completed the requisite period of service of 10 years as contemplated in G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009.

6. Thus, the order impugned dated 16.08.2022, in W.P.(MD) No.5663 of 2019, is set aside and the Writ Appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (V.L.N.,J.)
19.12.2023

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



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SJ

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