



W.P(MD)No.28911 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28911 of 2023

T.Rayappan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented 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 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the services of the petitioner as Forest Watcher from 24.01.1995 notionally for purpose of getting pension by taking into account his seniority and qualification, on par with his Junior V.Mottaiyandi, and as followed in W.P.No.23548 of 2023, dated 10.08.2023.

For Petitioner : Mr.S.Sylverster Raj



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For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

The present writ petition has been filed by a Social Forestry Watcher in the Forest Department, who was appointed in the year 23.07.1991 on daily wage basis and his 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. The petitioner has attained superannuation on 30.04.2023.

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 Watcher has 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



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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 Government Advocate 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.

4. The petitioner in the present writ petition is also similarly placed and his services may also be regularised from the date of his 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 petitioner in the present writ petition. In view of the above said facts, this Court is



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inclined to allow the present writ petition and direct the respondents herein to regularize the services of the petitioner from the date of his initial appointment as Plot Watcher 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.

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

08.12.2023

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

To

- 1.The Additional Chief Secretary,
The Government of Tamil Nadu,
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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R.VIJAYAKUMAR, J.

BTR

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