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W.P.No.1884 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1884 of 2024

R.Kalimuthu
Petitioner

...

-Vs-

1. Government of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Environment, Climate Change and Forest (FR.2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai -32.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, calling for the entire records which culminated in issuing the 1st respondent in G.O.(2d) No.69, Environment, Climate Change And Forests (FR.2ii) Department, The Additional Chief Secretary to Government, dated 30.03.2023 on the regularize the service of petitioner in the cadre of forest watcher for purpose of getting minimum pension on par with juniors K.Subramani, Seniority No.4988 and R.Mani, Seniority No.4920 with effect from 24.01.1995 and in the light of the order passed by this Court in W.P.No.15561 of 2006 dated



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10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2nd respondent dated 07.01.2011 and Order in W.P.No.19020 of 2021 dated 09.09.2021 and vide G.O.(2D) NO.124 Environment, Climate Change and Forests (FR.2(ii) Department dated 17.08.2022 and order in W.P.Nos.18476 of 2023 & etc. batch dated 03.08.2023.

For Petitioner : Mr.S.Mani
For Respondents : Mr.A.M.Ayydurai
Government Advocate

ORDER

This Writ Petition has been filed for the entire records which culminated in issuing the 1st respondent in G.O.(2d) No.69, Environment, Climate Change And Forests (FR.2ii) Department, The Additional Chief Secretary to Government, dated 30.03.2023 on the regularize the service of petitioner in the cadre of forest watcher for purpose of getting minimum pension on par with juniors K.Subramani, Seniority No.4988 and R.Mani, Seniority No.4920 with effect from 24.01.1995 and in the light of the order passed by this Court in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No.607 of 2010 dated 29.03.2010 and proceedings of the 2nd respondent dated



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07.01.2011 and Order in W.P.No.19020 of 2021 dated 09.09.2021 and vide G.O.(2D) NO.124 Environment, Climate Change and Forests (FR.2(ii) Department dated 17.08.2022 and order in W.P.Nos.18476 of 2023 & etc. batch dated 03.08.2023.

2. Heard the learned counsel on either side and perused the materials available on record

3. The petitioner has joined as Plot Watcher Office of Forest Department on 01.11.1986 on daily wage basis. The name of the petitioner as well as their junior name was included in the State Wide Seniority List drawn by the Department by taking note of the date of joining the service on daily wage basis for bringing into regular time scale of pay as Forest Watcher. The grievance of the petitioner is that the seniority list drawn by the Department has not been followed in letter and spirit and the service of many persons who are juniors to the petitioners have been regularized and they were given time scale of pay in the cadre post of Forest Watcher. The name of junior R.Mani whose seniority number are as 4920. The above said person were regularized from the



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daily wage basis to Forest Watcher on 08.03.1999, whereas even though the petitioner is seniors to him, the services was regularized after lapse of 24 years on 07.08.2009 that too non cadre posts as supernumerary plot watcher and thereafter bringing into regular post as forest watcher on 17.04.2012 and forest guard on 08.02.2016. Thus, there is a vast disparity and discrimination in the matter of regularization of service of the petitioners on par with the juniors mentioned above. In the seniority list drawn by the Department during 1994 and 1999, name of the petitioners are not included. Subsequently, as per G.O.61 Forest Department dated 13.07.2012 his seniority was fixed over and above the juniors, however, in the matter of conferment of regularization of service, they were discriminated and the services of the petitioner is regularized only on later date. On 18.03.2022, petitioners made a representation to the respondent to regularize his service on par with his junior. However, the same was rejected on 30.03.2023. Aggrieved by the same, present petition is filed.

4. Similarly placed persons were granted relief in W.P.No.23647 of 2013 dated 12.09.2014. The said order was also confirmed by the



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Hon-ble Division Bench of this Court in W.A.No.2072 of 2018 dated 11.08.2021. In fact, the said order was duly complied with by issuance of G.O.(2D).No.09 Environment, Climate Change and Forest (FR.2(II)) Department dated 08.02.2022. However, the representation of the petitioner is not considered so far.

5. In similar matters, this Court considered the similar request in W.P.Nos.21349 of 2023 and batch dated 03.08.2023 and held as follows:~

?7. Admittedly, the grievance of the writ petitioner is that he is seeking regularization of service for pensionary benefits. It is the contention of the writ petitioners that similarly persons have been given such benefits as per Government Orders in G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023 and G.O. [2D] No.9, dated 08.02.2022. Based on the Orders



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of this Court in W.A.No.2072 of 2018, dated 11.08.2021, the Government has issued the Government Order in G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023. As per the above Government Orders, the relief has been extended to similarly placed persons. Hence, the respondents are directed to consider the case of the petitioners in the light the above Government Orders, 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 nature of service rendered by the petitioners and also the fact that when similarly placed persons have already been granted the relief, if the petitioners are 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



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Orders as it is extended to similarly situated persons.?

6. In view of the above, the respondents are directed to pass appropriate orders in the light of the above order passed in W.P.Nos.21349 of 2023 and batch dated 03.08.2023 as the benefits have been extended to similarly placed persons, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

31.01.2024

Internet : Yes
Index : Yes/No
Sma

To

1. Government of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Environment, Climate Change and Forest (FR.2) Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,



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G.K.ILANTHIRAIYAN, J.

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