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W.P.No.2261 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

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

W.P.No.2261 of 2024

K.Krishnan

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Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy – Velacherry Main Road,
Guindy,
Chennai – 600 032.

3. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri,
Dharmapuri District.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent 2 and 3 to fix the petitioner's pay notionally on par with his junior with all consequential service benefits as directed by the first respondent vide Government Order in



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G.O.(2D) No.168, Environment, Climate Change and Forest (FR.2 ii)
Department, dated 31.10.2022.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to fix the petitioner's pay notionally on par with his junior with all consequential service benefits.

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

3. The petitioner was appointed as Plot Watcher on 01.06.1983 in the Forest Department. Subsequently, he was appointed as Forest Watcher on 07.10.2008 in the regular post with time scale of pay. Thereafter, he was promoted to the post of Forest Guard on 02.02.2014. As per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, for the regular appointment as Forest Watcher from the seniority list of Plot Watchers and Social Forestry Workers. Accordingly, many persons were appointed as Forest Watcher without following the seniority list.



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4. As per G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, prescribing SSLC as minimum general educational qualification for bringing into regular time scale of pay from Plot Watchers on daily wage basis was issued. Therefore, it was challenged before the Tribunal. However, in the meanwhile, number of persons, who are juniors to the petitioner, were brought under the regular time scale of pay in the post of Forest Watcher. Therefore, in order to wriggle out of the situation, the Government issued another order in G.O.Ms.No.634 E & F Department, dated 08.03.1999, wherein, Go.O.Ms.No.332, Environment and Forest Department, dated 22.12.1994 was superseded and revoked. Accordingly, the prescription of SSLC, as qualification for appointment of Forest Watcher and promoted from Plot Watcher and Social Forestry Workers engaged on daily wage basis is no longer in existence.

5. Therefore, the petitioner made a representation to regularize the service in the post of Forest Watcher on par with his juniors. However, it was not considered and as such, the petitioner and others were constrained to file a writ petition before this Court in W.P.No.18803 of 2019. This Court, by an



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order dated 30.08.2019, directed the respondents to regularize the services of the petitioners as Forest Watcher from 24.01.1995 notionally by taking into account their seniority and qualification, on par with their junior and confer all consequential service benefits. Accordingly, the Government passed in G.O.(2D) No.168, Environment, Climate Change and Forest (FR-2ii) Department, dated 31.10.2022, thereby regularizing the services of the petitioner and others by relaxing Special Rules of Tamil Nadu Forest and Subordinate Service Rules and to fix their pay notionally on par with their juniors.

6. On instructions, the learned Special Government Pleader appearing for the respondents submitted that the request made by the petitioner may be considered immediately after his retirement. As stated supra, as per G.O.(2D) No.168, Environment, Climate Change and Forest (FR-2(ii) Department, dated 31.10.2022, the petitioner is entitled for pay notionally on par with his junior with all consequential benefits.

7. Therefore, the second and third respondents are directed to fix the pay of the petitioner notionally on par with his junior with all consequential



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benefits within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No

costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1. The Principal Secretary to Government,
Environment, Climate Change and Forest Department,
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Chennai – 600 009.

2. The Principal Chief Conservator of Forests,
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