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W.P.No.2322 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.2322 of 2024

J.Murugan

...Petitioner

-Vs-

1. The Government of Tamilnadu
Rep. 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 for issuance of a Writ of Mandamus directing the respondents to regularize the service of the petitioner as Forest Watcher from 24.01.1995 notionally for purpose of getting pension by taking into account their seniority and qualification, on par with his juniors P.Karuppiyah, Seniority No.4608 and in the light of the orders passed 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 07.1.2011 and Order in W.P.No.19020 of 2021 dated 09.09.2021 and in the light of G.O.(2D) No.122, Environment, Climate



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Change and Forest (FR.2(ii) Department dated 12.08.2022 and G.O.(2D), No.124, Environment, Climate Change and Forests (FR.2ii) Department dated 17.08.2022 and order in W.P.No.18476 of 2023 etc., batch dated 03.08.2023.

For petitioner : Mr.S.Mani
For respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to regularize the petitioner's service in the cadre of Forest Watcher notionally for purpose of getting pension by taking into account their seniority and qualification, on par with his juniors P.Karuppiah, Seniority No.4608 and in the light of the orders passed 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 07.1.2011 and Order in W.P.No.19020 of 2021 dated 09.09.2021 and in the light of G.O.(2D) No.122, Environment, Climate Change and Forest (FR.2(ii) Department dated 12.08.2022 and G.O.(2D), No.124, Environment, Climate Change and Forests (FR.2ii) Department dated 17.08.2022 and order in W.P.No.18476 of 2023 etc., batch dated 03.08.2023.



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

3. The petitioner was appointed as Plot Watcher in the office of the Forest Department on 01.01.1985 on daily wage basis. Thereafter, the Government had drawn the State Wide Seniority list for conferment of permanent status of Forest Watcher. The petitioner was included in the State wide seniority after 28 years of his service. Without following the seniority list, Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioner was brought into regular time scale of pay as Plot Watcher on 07.08.2009 that too non cadre post as supernumerary plot watcher. The post to which the petitioner was brought into regular time scale of pay is not a cadre post and it was only a supernumerary post. Therefore, the petitioner submitted representation to regularize the his service in the cadre of Forest Watcher notionally for purpose of getting pension by taking into account their seniority and qualification, on par with his juniors so as to enable the petitioner to get all the consequential benefits.



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4. Similarly placed persons were granted relief in W.P.No.19020 of 2021 dated 09.09.2021. The said order was duly complied with by issuance of G.O.(2D).No.122, Environment, Climate Change and Forests (FR.2(ii)) Department dated 12.08.2022. However, the representation of the petitioner is not considered so far.

5. In similar matters, this Court considered the similar request in W.P.No.21349 of 2023 and batch ad 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 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



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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 Orders as it is extended to similarly situated persons....."

6. In view of the above, the respondents are directed to consider the representation submitted by the petitioner dated 11.10.2023, 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.

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Index : Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN,J.
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To

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Fort St., George, Chennai-600 009.
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(Head of Forest Force),
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