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W.P.No.4924 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

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

W.P.No.4924 of 2024
and
W.M.P.No.5399 of 2024

A.Elangovan

...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-600 032.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records which culminated in issuing the Government Order in G.O.(2D) No.129, Environment, Climate Change and Forests (FR.2(ii)) Department dated 23.08.2022 on the file of the first respondent and quash the same and consequently directing the respondents to regularize the service of the petitioner in the cadre of Forest Watcher on par with their juniors K.Subramani, Seniority No.4988 and R.Mani, Seniority No.4920 with effect from 08.03.1999 and in the light of the orders passed by this Hon'ble High Court in W.P.No.15561 of



W.P.No.4924 of 2024

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 second respondent dated 07.01.2011 and order in W.P.No.19020 of 2021 dated 09.09.2021 and in the light of G.O. (2D) No.124, Environment, Climate Change and Forests FR.2(ii) Department dated 17.08.2022 within a time limit that may be fixed by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondents to regularize the service of the petitioner in the cadre of Forest Watcher on par with their juniors K.Subramani, Seniority No.4988 and R.Mani, Seniority No.4920 with effect from 08.03.1999 and in the light of the orders passed by this Hon'ble High 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 second respondent dated 07.01.2011 and order in W.P.No.19020 of 2021 dated 09.09.2021 and in the light of G.O. (2D) No.124, Environment, Climate Change and Forests FR.2(ii) Department dated 17.08.2022 within a time limit that may be fixed by this Court.

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



W.P.No.4924 of 2024

materials available on record.

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3. The case of the petitioner is that he had joined the service of the Forest Department on 01.04.1986, on daily wage basis. The name of the petitioner and his juniors were 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 them into regular time scale of pay as Forest Watcher. However, without following the said seniority list in its letter and spirit, the service of many persons, who are juniors to the petitioner have been regularized and they were given time scale of pay in the cadre post of Forest Watcher. His juniors were regularized from the daily wage basis to Forest Watcher on 08.03.1999, whereas even though the petitioner is senior to them, his service was regularized only on 07.08.2009. The petitioner's service was regularized after a period of more than two decades of service. Though the petitioner is qualified with SSLC and was given regular time of appointment as Forest Watcher in the year 1999, the petitioner could not join the regular post of Forest Watcher, in view of the interim order granted by the Tamil Nadu Administrative Tribunal. In order to wriggle out of the situation, the Government passed an order in G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, whereby G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994 was



W.P.No.4924 of 2024

superseded or revoked. Therefore, the qualification of SSLC for appointment to the post of Plot Watcher is no longer in existence.

4. Similarly placed persons like the petitioner, filed writ petitions in W.P.Nos.15561 of 2006 and 23374 of 2008 before this Court and the writ petitions were disposed of with a direction to consider their claim for appointment as Forest Watcher on par with their juniors. Aggrieved over the said order, the respondents filed writ appeals in W.A.Nos.690 of 2008 and 607 of 2010 and both the appeals were dismissed. In view of the above said orders, the petitioner also filed representation.

5. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner seeking regularization of his service as Forest Watcher from 08.03.1999 notionally for the purpose of getting pension by taking into account their seniority and qualification and pass orders on merits and in accordance with law, 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 second respondent dated 07.01.2011 and order in W.P. No.19020 of 2021



W.P.No.4924 of 2024

dated 09.09.2021 and in the light of G.O.(2D)No.124 Environment, Climate Change and Forests (FR.2ii) Department dated on 17.08.2022, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

28.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

1.The Additional Chief Secretary,
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.

G.K.ILANTHIRAIYAN. J.

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WEB COPY



W.P.No.4924 of 2024

W.P.No.4924 of 2024

28.02.2024