



W.P.No.7109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM:

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

W.P.No.7109 of 2024
and W.M.P.No.7956 of 2024

1.S.Thangaraj
2.V.Madammal

...Petitioners

-Vs-

1.Government of Tamil Nadu
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 Constitution of India praying for the issuance of a Writ of Mandamus direction to regularize the service of the 1st and 2nd petitioner's husband service as Forest Watcher from 24.01.1995 notionally for purpose of getting pension by taking into account their seniority and qualification, on par with their 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 07.01.2011 and Order in W.P.No.19020 of 2021 dated



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09.09.2021 and in the light of G.O.(2D) No.122, Environment, Climate Change and Forests (FR.2(ii)) Department dated 12.08.2022 and G.O.(2D) No.124, Environment, Climate Change and Forests (FR.2(ii)) Department Dated 17.08.2022 and order in W.P.No.18476/2023 etc.batch dated 03.08.2023 and order in W.P.No.34566 of 2023 dated 23.01.2024.

For Petitioners : 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 1st and 2nd petitioner's husband service as Forest Watcher from 24.01.1995 notionally for purpose of getting pension by taking into account their seniority and qualification, on par with their 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 07.01.2011 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 Forests (FR.2(ii)) Department dated 12.08.2022 and G.O.(2D) No.124, Environment, Climate Change and Forests (FR.2(ii)) Department Dated 17.08.2022 and order in W.P.No.18476/2023 etc.batch dated 03.08.2023 and order in W.P.No.34566 of 2023 dated



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23.01.2024.

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

3. The case of the petitioner is that the first petitioner had joined the service in the Forest Department as Plot Watcher on 01.07.1986 and the second petitioner's husband had joined the service in the Forest Department as Plot Watcher on 01.07.1982 on daily wage basis. The name of the petitioners 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 petitioners have been regularized and they were given time scale of pay in the cadre post of Forest Watcher. Their juniors were regularized from the daily wage basis to Forest Watcher on 24.01.1995, whereas even though the petitioners are senior to them, their service was regularized only on 07.08.2009. The petitioners' 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 1994 and 999, the petitioners could not join the



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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 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 petitioners, 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 petitioners also filed representation.

5. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioners seeking regularization of their 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



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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 dated 09.09.2021 and in the light of G.O.(2D) No.122, Environment, Climate Change and Forests (FR.2(ii)) Department dated 12.08.2022 and G.O.(2D)No.124 Environment, Climate Change and Forests (FR.2ii) Department dated on 17.08.2022 and Order in W.P.No.18476 of 2023 etc batch dated 03.08.2023 and Order in W.P.No.34566 of 2023 dated 23.01.2024, 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. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J,

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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.

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