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W.P.No.7714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM:

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

W.P.No.7714 of 2024

1. M.Rajagopal
2. S.Muthusamy
3. P.Kalimuthu
4. R.Periyasamy
5. P.Thangavel
6. K.Perumal

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Petitioners

-Vs-

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai-600009.

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

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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 respondents to regularize the services of the petitioners in the cadre post of forest watcher notionally by giving relaxation in respect of height and the same was done for the similarly placed persons like petitioner, namely V.Chinnavan and 11 others on



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20.04.2022 with effect from 24.01.1995 by considering the representation dated 26.11.2021 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014 same was affirmed by Division Bench in W.A.No.1703 of 2014 dated 25.01.2015 and the similar case was implemented by the first respondent in G.O.(2D).No.58 Environment, Climate Change and Forest (FR.2(II) Department dated 20.04.2022 all consequential benefits within time limit fixed by this Court.

For Petitioner : Mr.K.Jenitha

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondents to regularize the services of the petitioners in the cadre post of forest watcher notionally by giving relaxation in respect of height and the same was done for the similarly placed persons like petitioner, namely V.Chinnavan and 11 others on 20.04.2022 with effect from 24.01.1995 by considering the representation dated 26.11.2021 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014 same was affirmed by Division Bench in W.A.No.1703 of 2014 dated 25.01.2015 and the similar case was implemented by the first respondent in G.O.(2D).No.58 Environment, Climate Change and Forest (FR.2(II) Department dated 20.04.2022 all consequential benefits within time limit fixed by this Court.



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

3. The petitioners were appointed as Social Forest Worker on daily wage basis in the Forest Department. Thereafter, the Government had drawn the State Wide Seniority list for conferment of permanent status as Forest Watcher. The petitioner was included in the Statewide seniority after 40 years of their service. Without following the seniority list, Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioners were brought into regular time scale of pay as Plot Watcher that too in a non cadre post and after giving relaxation, they were brought into regular cadre post as Mali. The post to which the petitioners were brought into regular time scale of pay is not a cadre post and it was only a supernumerary post. Therefore, the petitioners submitted representation seeking to consider in accommodating them in the regular cadre post of Forest Watcher by giving them relaxation with respect to height or age as the case may be, so as to enable the petitioners to get all the consequential benefits.



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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 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 petitioners 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 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.



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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 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 petitioners dated 26.11.2021, 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.

21.03.2024

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 Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai-600009.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
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