



W.P.No.7982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7982 of 2024

W.M.P.No.8953 of 2024

K.Murugan

...Petitioner

-Vs-

1.The Government of Tamil Nadu
rep. By its Additional Chief Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai – 9.

2.The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai – 32.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing the G.O.(2D) No.187, Environment, Climate Change and Forests (FR-2(ii)) Department dated 27.09.2023 on the file of the 1st respondent and quash the same and consequently directing the respondents to regularize the service of the petitioner as Forest Watcher for purpose of getting minimum pension on par with their juniors namely



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P.Karuppiah, Seniority No.4608 with effect from 24.01.1995 in the light of the orders passed by this 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 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 the same was followed order in W.P.No.18476 & etc. Batch of 2023, dated 03.08.2023 and order in W.P.No.1884 of 2024 dated 31.01.2024.

For petitioner : Mr.S.Mani

For respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for challenging the government order in G.O.(2D).No.187, Environment, Climate Change and Forest (FR.2.II) Department, dated 27.09.2023 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 his juniors with effect from 24.01.1994 and in the light of the order passed by



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the 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 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 the same was followed order in W.P.No.18476 & etc. Batch of 2023, dated 03.08.2024 and order in W.P.No.1884 of 2024 dated 31.01.2024.

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

3. The petitioner had joined in the Forest Department on daily wage basis on 01.04.1988 as Plot Watcher. As per Tamilnadu Forest Service Rules, the qualification required to holding the post of Forest Watcher only able to read and write in Tamil from plot watcher to Forest Watcher. Against the said rule, Government issued G.O.Ms.No.332, Environment and



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Forest Department dated 22.12.1994, thereby imposed a new condition to pass S.S.L.C. for holding the regular post of forest watcher. As per the above government order, 424 SSLC qualified persons were appointed as Forest Watcher and those who do not possess SSLC qualification were excluded whereby juniors have marched over the Seniors. Aggrieved by this, the unqualified persons daily wage senior Plot Watchers challenged the G.O.Ms.No.332, dated 22.12.1994 before the Tamilnadu Administrative Tribunal by filing O.A.No.197 of 1995 and obtained interim stay, before granting stay by Hon'ble Tamilnadu Administrative Tribunal 175 person's out of 425 were joined in the post of Forest Watcher and they were holding the post till day and moreover all the 175 persons got further promotion as Forest Guard and Forester on 31.05.2004 and 03.11.2011 respectively. The government to wriggle out the situation, issued another G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 came to be passed, whereby G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994 was superseded and revoked. Similarly placed persons filed a writ petition before this Court in W.P.No.15561 of 2006 and W.P.No.23374 of 2008 the same were allowed by an order dated 10.03.2008 and



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30.10.2009. The petitioner brought into regular time scale of pay as supernumerary plot watcher on 07.08.2009 and posted as forest watcher on 16.08.2017. Government implement the above said order passed by this Court and given regular time scale of pay to the petitioners thereon on par with their juniors with effect from 24.01.1995 onwards. The petitioner has submitted representation to the respondents to Regularize his service on par with his junior seeking regular time scale of pay with effect from 24.1.1995. In the meanwhile, the respondents passed impugned order in G.O.(2D).No.187 Environment, Climate Change and Forest (Fr.2(ii) Department dated 27.09.2023 thereby rejected the request made by the petitioner to regularize his service after completion of ten years from the date of initial appointment as a Plot Watcher/Village Social Forestry Worker on daily wage basis, since they have already availed the benefit of service regularization as per the Government Policy decision, he cannot seek another benefit.

4. In similar issues, the Hon'ble Supreme Court of India in the case of ***Prem Singh vs State of Uttar Pradesh and others in C.A.No.6798 of 2019*** dated 02.09.2019, held as follows:



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"35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. Vs Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularization as others have been regularized, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension."



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5. Thus, it is clear that the petitioner is also entitled to be regularized in his service from the date on which he completes ten years of service as Plot Watcher for the purpose of getting pension.

6. In view of the above, the impugned order dated 27.09.2023 cannot be sustained and is liable to be quashed. Accordingly, G.O.(2D).No.187, Environment Climate Change And Forests (FR.2(ii)) Department dated 27.09.2023, is hereby quashed. The respondents are directed to consider the case of the petitioner and pass orders on merits and in accordance with law, in the light of the judgement delivered in C.A.No.6798 of 2019 dated 02.09.2019, W.P.No.18476 of 2023 etc batch dated 03.08.2023 and order in W.P.No.1884 of 2024 dated 31.01.2024, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

Internet: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

- 1.The Government of Tamil Nadu
rep. By its Additional Chief Secretary
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- 2.The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy
Chennai – 32.



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