



W.P.No.19165 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM:

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

W.P.No.19165 of 2020
and W.M.P.Nos.23740 & 23742 of 2020

1. M.Kalan
2. S.Kumaran
3. S.Subeth Kumar
4. K.Pradeep Kumar
5. P.Arul Kumar
6. A.Masanan

...Petitioners

-Vs-

The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai – 600 015.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Ref.No.AB1/21033/2013 dated 09.09.2019 and consequential panel for the year 2016-17 of the respondent in Proceedings No.AB1/32897/2015 dated 12.10.2020 and quash the same and consequently direct the respondent to prepare a fresh seniority list strictly by following the judgment of the Hon'ble Division Bench in W.A.No.811 of 2011 etc., dated 17.04.2018 and the Tamil Nadu Forest Subordinate Service Rules.

For Petitioners : Mr.K.Rajendra Prasad



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For Respondent : Dr.T.Seenivasan
Special Government Pleader
ORDER

This writ petition has been filed challenging the order passed by the respondent dated 09.09.2019 and consequential panel for the year 2016-2017 dated 12.10.2020.

2. The first petitioner was selected and appointed in the post of Forest Watcher with effect from 01.07.1998 and other petitioners were appointed in the year 1998 to 2000. Thereafter, they were promoted to the post of Forest Guard. While being so, they were waiting for promotion to the post of Forester after completion of ten years of their service. The promotion is based upon State wide seniority list to be brought in the post of Forest Watchers. Further the Service Rules contemplate the preparation of Selection Committee for the purpose of promotion.

3. As per the Rules, the petitioners were duly promoted to the post of Forest Guard by the proceedings dated 01.08.2005 and the proceedings of the District Forest Officer dated 18.09.2007. They had



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successfully completed their in-service training for the post of Forest Guards. In the meanwhile, there were several writ petitions filed before this Court with regard to promotion to the post of Forester. The Hon'ble Division Bench of this Court by the judgment dated 17.04.2018 in a batch of writ appeals in W.A.No.811 of 2011 etc., held that inter-see seniority between the direct recruit and the promotee has to be worked out on a year to year basis applying the rota-quota rule. The post of Forest Guard has to be filled up by direct recruitment and promotion and by recruitment by transfer in a ratio of 60:35:5 respectively. The promotion to the post of Forester ratio is fixed at 50:45:5 respectively.

4. By applying the order passed by the Hon'ble Division Bench of this Court, the respondent issued seniority list dated 09.09.2019 in which the petitioners were placed below their juniors who were directly recruited to the post of Forest Guard in the year 2008. Whereas, the petitioner were promoted to the post of Forest Guard even before the year 2007. Even the persons, who were directly recruited to the post of Forest Guard in the year 2011-2012, have been placed over the petitioners. Therefore, the petitioners submitted representation by way of objection to the seniority list. Since the same was not considered, the petitioners filed



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the present writ petition with the above prayer.

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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On perusal of the counter filed by the respondent and on the submissions made by the learned Special Government Pleader appearing for the respondent revealed that the issue of inter-se-seniority among the Forest Guards who were recruited by various modes of recruitments, like direct recruitment, promotion from Forest Watcher, was the subject matter of the various writ petitions and writ appeals. Based on the orders passed by the Hon'ble Division Bench of this Court, the issue was referred to the Committee consisting Joint Director, Personal Assistant Superintendent under the head of the Principal Chief Conservator of Forests.

7. As directed by this Court, the seniority list of Forest Guard be prepared based on the inter-se-seniority between the direct recruits and



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the promotees on a year-to-year basis by applying rota-quota ratio provided in G.O.Ms.No.145, Environment and Forest (FR.II) Department dated 10.05.1995. Accordingly, the petitioners were placed below their juniors in the list prepared by the Committee and the same was also approved by the government.

8. Similarly placed persons like the petitioners approached this Court in W.P.18647 of 2023 for direction directing the respondent to consider them for notional promotion as Forest Guard for the purpose of getting revised pension on par with their juniors by including their name in the panel drawn for the year 2003-2004 with effect from 31.05.2004. This Court by an order dated 23.06.2023, directed the respondent to consider the representation of merits and in accordance with law. After considering the request made by the petitioners in W.P.No.18647 of 2003, they were included in the Forest Guard Panel for the year 2003-2004 by placing them before their immediate juniors and also seniority has also been fixed. Their salary was also notionally fixed on par with their juniors as per the Rule 27(17) of the Fundamental Rules, from the date of issuance of the government order.



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9. Considering the above facts and circumstances, the respondent is directed to consider the objections raised by the petitioners in the light of the order of notion promotion given to the similarly placed person in his order dated 09.07.2024 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

10. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

24.09.2024
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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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The Principal Chief Conservator of Forest,
Panagal Buildings,
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G.K.ILANTHIRAIYAN. J.

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