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W.P.No.18796 of 2024, etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

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

W.P.Nos.18796, 18799, 18825, 18828 & 18831 of 2024

WP.No.18796 of 2024

L.Manoharan

... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. By its Additional Chief Secretary,
Environment, Climate Change 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 is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularize the service of the petitioners 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 Junior 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 proceeding of the 2nd respondent dated



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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 17.08.2022 and order in WP. No.18476 of 2023 etc. batch dated 03.08.2023 and order in WP.No.1884 of 2024 dated 31.01.2024.

For Petitioners

in all WP's

: Mr.S.Mani

For Respondents

in all WP's

: Dr.T.Seenivasan,

Special Government Pleader

COMMON ORDER

These writ petitions have been filed for direction to the respondents to regularize the service of the petitioners as Forest Watcher notionally and also challenging the G.O.92D) No.124 Environment, Climate Change and Forest (Fr.2(ii)) Department dated 30.05.2023 of the first respondent.

2. Heard, the learned counsel appearing on either side.

3. In similar matters, this Court considered the similar request



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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. These facts cannot be disputed by any one. Hence, while passing the Orders, the Government



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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.”

4. In view of the above, the respondents are directed to pass appropriate orders 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.

5. With the above direction, all the writ petitions are disposed of.

There shall be no order as to costs.

09.07.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

1. Additional Chief Secretary,
Government of Tamilnadu,
Environment, Climate Change and Forest Department,
Fort St. George, Chennai 600 009
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
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