



WEB COPY



W.P.No. 19231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

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

W.P.No. 19231 of 2024

and

W.M.P.No.21093 of 2024

V.Ramakrishnan

...Petitioner

-Vs -

1. The Government of Tamilnadu,
Rep. by its Additional Chief Secretary to Government,
Environment and Forest S(FR2(ii)) 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 the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing the Government G.O.(2D) No.115, Environment, Climate Change and Forests (FR.2(ii)) Department dated 10.08.2022 on the file of the first respondent and quash the same in so far as denial of monetary benefits is concerned and directing the first respondent to pay monetary benefits from date of joining as forest watcher from 17.06.2011 till 10.08.2022 as per Tamil Nadu Fundamental Rule 27(17).



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For Petitioner : Mr.S.Mani
For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 10.08.2022, thereby rejected the request made by the petitioner seeking monetary benefits from the date of his joining as Forest Watcher.

2. The petitioner had employed in the forest department as Forest Watcher. Prior to regularization of his service, he was engaged on daily wage basis. Thereafter, he was brought into regular time scale of pay of Forest Watcher, which is a cadre post and his service was regularized as Forest Watcher on 17.06.2011.

3. The specific case of the petitioner is that he had joined in the forest department on daily wages. The petitioner and his juniors were included in the State wide seniority list drawn by the department by taking note of their date of joining in service on daily basis for bringing them into regular scale of pay of Forest Watcher. However, the seniority



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list was not maintained properly and the services of his juniors have been regularized on 24.01.1995. Therefore, the petitioner submitted representation and it was not considered as such, he was constrained to approach this Court in W.P.No.32563 of 2018, and the same was allowed by this Court by an order dated 11.12.2018 and directed to regularize his service on par with juniors.

4. As directed by this Court, the government issued G.O.(2D) No.115, Environment, Climate Change and Forests (FR.2(ii)) Department, dated 10.08.2022, thereby regularized the service of the petitioner notionally from 24.01.1995 and monetary benefits were granted from the date of issue of the order. It is contrary to the fundamental rules and they are entitled to get monetary benefits with effect from the date of joining as Forest Watcher as per F.R. 27(17) of the Tamil Nadu Fundamental Rules. It is relevant to extract the F.R. 27(17) of the Tamil Nadu Fundamental Rules, as follows:-

"In case, where a government servant has been overlooked for promotion/appointment to the next higher post but subsequently promoted/appointed to that higher post after restoration of his original seniority on appeal,



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his pay shall be fixed on the date of assumption of charge in the higher post on par with the pay of his junior provided he has not drawn the same rate of pay as junior in the lower post from time to time. If he has not drawn the same rate of pay as his junior in the lower post, his pay shall be fixed, on the date assumption of charge, at the stage at which he would have drawn pay on that date had he been promoted/appointed to the higher post along with his junior. In cases where seniority has been restored on or after 19th September 1981, arrears of pay and allowance consequent of pay shall be admissible with effect from the date of assumption of charge in the higher post in cases where seniority has been restored prior to 19th September 1981 arrears shall be admissible only with effect from the above date."

5. Therefore, the petitioner submitted a representation and the same was not considered. Hence, the petitioner approached this Court with the present writ petition.

6. The learned Government Advocate appearing for the respondents submitted that the Rule 27(17) of the Tamil Nadu



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Fundamental Rules, is not applicable to the case of the petitioner. The petitioner is not entitled for monetary benefits from the date of his notional regularization in the cadre of Forest Watcher. The petitioner's date of regularization will be counted for the purpose of pension and other benefits only. Admittedly, the petitioner had not been discharged his duty as Forest Watcher from the date on which he notionally regularized as Forest Watcher. Only from the date of his joining as Forest Watcher, he discharged his duty as Forest Watcher. Therefore, F.R.27(17) cannot be pressed into service in this case.

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

8. On perusal of records revealed that the petitioner is seeking monetary benefits only from the date of his joining as Forest Watcher, as per F.R.27(17) of the Tamil Nadu Fundamental Rules and G.O(2D).No.124, Environment, Climate Change and Forests (F.R2(ii)) Department dated 17.08.2022. In fact, the seniority has already been fixed and the petitioner's service was duly regularized on par with his



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juniors. Therefore, he is entitled for monetary benefits from the date of his joining as Forest Watcher.

9. In view of the above, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the order dated 10.08.2022, passed by the first respondent in G.O.(2D) No.115, Environment, Climate Change and Forests (FR.2(ii)) Department is hereby quashed. The petitioner is entitled for monetary benefits only from the date of his joining as Forest Watcher. The respondents are directed to pay monetary benefits to the petitioner from the date of his joining as Forest Watcher viz., from 17.06.2011 till 10.08.2022, within a period of twelve weeks from the date of receipt of a copy of this Order.

10. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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

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Environment and Forest S(FR2(ii)) Department,
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(Head of Forest Force)
Velachery Main Road, Guindy,
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G.K.ILANTHIRAIYAN. J.

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