



W.P.No.20780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20780 of 2024

1. C.Mani
2. C.Ganesan
3. R.Ramasamy
4. C.Kalimuthu
5. M.Pitchaimani
6. M.Raman
7. V.Shankar
8. A.Thangaraj

... Petitioners

Vs

1. The Government of Tamil Nadu
rep. By its Secretary to Government,
Environment, Climate Change and Forest Department
Fort St. George,
Chennai –9.
2. The Principal Chief Conservator of Forests &
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy,
Chennai – 32.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioners as Forest Watcher from 24.01.1995 notionally for purpose of getting pension taking into account of the petitioners seniority, on par with their juniors U.Udachi (SWS. No. 380) and M.Ramadoss (SWS. No. 4558) in the light of the order 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 in the light of the letter No. 10640/FR2(II)/2017-1, dated 02.03.2018 and G.O.(2D) NO. 165, Environment, Climate Change and Forests(FR.2ii) Department, dated 20.10.2022 and the same was followed by order made in W.P.No.1884 of 2024 dated 31.01.2024.

For Petitioners : Mr. K.Jenitha

For Respondents : Mr. C.Selvaraj,
Additional Government Pleader

O R D E R

The Writ Petition has been filed for directing the respondents to appoint the petitioners as Forest Watchers from 24.01.1995 notionally for purpose of getting pension taking into account of the petitioners' seniority, on par with our juniors U.Udachi (SWS. No. 380) and M.Ramadoss (SWS. No. 4558) in the light of the order passed in W.P.No. 15561 of 2006 dated



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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 in the light of the letter No. 10640/FR2(II)/2017-1, dated 02.03.2018 and G.O.(2D) NO. 165, Environment, Climate Change and Forests(FR.2ii) Department, dated 20.10.2022 and the same was followed by order made 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 case of the petitioners are that they had joined the service in the Forest Department as Plot Watchers from 1978 to 1986 on daily wage basis. The name of the petitioners and their juniors were included in the State wide Seniority list drawn by the Department, by taking note of the date of joining the service on daily wage basis for bringing them into regular time scale of pay as Forest Watcher. However, without following the said seniority list in its letter and spirit, the service of many persons, who are juniors to the petitioners had been regularized and they were given time scale of pay in the cadre post of Forest Watcher. Their juniors were



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regularized from the daily wage basis to Forest Watcher on 24.01.1995, whereas even though the petitioners are senior to them, their service was regularized. The petitioners' service was regularized after a period of more than two decades of service. Though the petitioners are qualified with SSLC and were given regular time of appointment as Forest Watchers in the year 1994 and 1999, the petitioners could not join the regular post of Forest Watcher, in view of the interim order granted by the Tamil Nadu Administrative Tribunal. In order to wriggle out of the situation, the Government passed an order in G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, whereby G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994 was superseded or revoked. Therefore, the qualification of SSLC for appointment to the post of Plot Watcher is no longer in existence.

4. Similarly placed persons like the petitioners, filed writ petitions in W.P.Nos.15561 of 2006 and 23374 of 2008 before this Court and the writ petitions were disposed of with a direction to consider their claim for appointment as Forest Watcher on par with their juniors. Aggrieved over the said order, the respondents filed writ appeals in W.A.Nos.690 of 2008 and



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607 of 2010 and both the appeals were dismissed. In view of the above said orders, the petitioners also filed representation.

5. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioners seeking regularization of their service as Forest Watchers from 24.01.1995 notionally for the purpose of getting pension by taking into account their seniority and qualification and pass orders on merits and in accordance with law, in the light of the order 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 in the light of the letter No. 10640/FR2(II)/2017-1, dated 02.03.2018 and G.O.(2D) NO. 165, Environment, Climate Change and Forests(FR.2ii) Department, dated 20.10.2022 and the same was followed by order made 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.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.



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Index: Yes/No
Neutral Citation: Yes/No
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To

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rep. By its Secretary to Government,
Environment, Climate Change and Forest Department
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G.K.ILANTHIRAIYAN, J.

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