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W.P.No.22387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22387 of 2024

S.Jesuraj

... Petitioner

Vs

1. The State 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,
Forest Headquarters,
Velachery Main Road,
Guindy, Chennai – 600 032.

... Respondents

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 petitioner as Forest Watcher from 01.02.1995 notionally for purpose of getting pension taking into account his seniority, on par with his juniors R.Irulandi, (Seniority No.4969), 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



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dated 29.03.2010 and in the light of Ref.No.LL2/54670/2011 dated 28.09.2013 and G.O.(2D) No.96, Environment, Climate Change and Forests (FR.2ii) Department dated 08.07.2022 and the same was followed by order in W.P. No. 7889 of 2024 dated 22.03.2024.

For Petitioner : Ms. K.Jenitha

For Respondents : Mr. Dr. T.Seenivasan,
Special Government Pleader

ORDER

This Writ Petition is filed for a direction directing the respondents to appoint the petitioner as Forest Watcher from 01.02.1995 notionally for purpose of getting pension taking into account his seniority, on par with his juniors R.Irulandi, (Seniority No.4969), 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 in the light of Ref.No.LL2/54670/2011 dated 28.09.2013 and G.O.(2D) No.96, Environment, Climate Change and Forests (FR.2ii) Department dated 08.07.2022 and the same was followed by order in W.P. No. 7889 of 2024 dated 22.03.2024.



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

3. The case of the petitioner is that the he had joined the service in the Forest Department as Social Forestry Worker on 01.04.1986 on daily wage basis. The name of the petitioner and his 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 petitioner had been regularized and they were given time scale of pay in the cadre post of Forest Watcher. His juniors were regularized from the daily wage basis to Forest Watcher on 24.01.1995, whereas even though the petitioner is senior to them, their service was regularized only on 07.08.2009. The petitioner's service was regularized after a period of more than two decades of service. Though the petitioner is qualified with SSLC and was given regular time of appointment as Forest Watcher in the year 1994 and 1999, the petitioner could not join the regular post of Forest



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

5. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the



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petitioner seeking regularization of his service as Forest Watcher from 08.03.1999 notionally for the purpose of getting pension by taking into account his seniority and qualification and pass orders on merits and in accordance with law, 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 in the light of Ref.No.LL2/54670/2011 dated 28.09.2013 and G.O.(2D) No.96, Environment, Climate Change and Forests (FR.2ii) Department dated 08.07.2022 and the same was followed by order in W.P. No. 7889 of 2024 dated 22.03.2024, 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. No costs.

02.08.2024

Index:Yes/No
Neutral Citation/Yes/No
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To
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1. The Secretary to Government,
The State of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort. St. George,
Chennai – 9.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Guindy – Velachery Main Road,
Near Velachery Check Post,
Kannigapuram, Guindy,
Chennai – 32.



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G.K.ILANTHIRAIYAN, J.

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