



WEB COPY



W.P.No.22553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM:

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

W.P.No.22553 of 2024

B.Ponnan

... Petitioner

-Vs-

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai-600009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy,
Chennai-32.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize the service of the petitioner 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 proceedings of the second respondent dated 07.01.2011 and order in W.P.No.19020 of 2021 dated



W.P.No.22553 of 2024

09.09.2021 and in the light of G.O.(2D) No.122, Environment, Climate Change and Forests FR.2(ii) Department dated 12.08.2022 and G.O.(2D)No.124 Environment, Climate Change and Forests (FR.2ii) Department dated on 17.08.2022 and order in W.P.No.18476 of 2023 etc. batch dated 03.08.2023 and order in W.P.No.1884 of 2024 dated 31.01.2024.

For Petitioner : Mr.S.Mani

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents to regularize the service of the petitioner 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 proceedings of the second respondent dated 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 12.08.2022 and G.O.(2D)No.124 Environment, Climate Change and Forests (FR.2ii) Department dated on 17.08.2022 and order in W.P.No.18476 of 2023 etc. batch dated 03.08.2023



W.P.No.22553 of 2024

and order in W.P.No.1884 of 2024 dated 31.01.2024.

WEB COPY

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

3. The petitioner had joined as a Plot Watcher in the Office of Forest Department on 08.07.1980, on daily wage basis. The name of the petitioner as well as his junior name was 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 into regular time scale of pay as Forest Watcher. The grievance of the petitioner is that the seniority list drawn by the Department has not been followed in letter and spirit and the service of many persons who are juniors to the petitioners have been regularized and they were given time scale of pay in the cadre post of Forest Watcher. The names of the juniors whose services were regularized ahead of the petitioner on 24.01.1995 are G.Venkatachalam, R.Narasiman, A.Anthonysamy, S.Sekar, R.Kothandan, R.Karuppan and 169 others. The above said persons were regularized from the daily wage basis to Forest Watcher on 24.01.1995, whereas even though the petitioner is seniors to them, the services was regularized after lapse of 24 years



W.P.No.22553 of 2024

on 07.08.2009 that too non cadre posts as supernumerary plot watcher and thereafter bringing into regular post as forest watcher on 13.01.2015 and retired on 31.03.2024. Thus, there is a vast disparity and discrimination in the matter of regularization of service of the petitioners on par with the juniors mentioned above. In the seniority list drawn by the Department during 1994 and 1999, name of the petitioner is not included. 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 1995, the petitioner 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 were granted relief in W.P.No.23647 of 2013 dated 12.09.2014. The said order was also confirmed by the Hon-ble



W.P.No.22553 of 2024

Division Bench of this Court in W.A.No.2072 of 2018 dated 11.08.2021. In fact, the said order was duly complied with by issuance of G.O.(2D).No.09 Environment, Climate Change and Forest (FR.2(II) Department dated 08.02.2022. However, the representation of the petitioner is not considered so far.

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



W.P.No.22553 of 2024

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.?

6. In view of the above, the respondent is 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.

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

02.08.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



WEB COPY



W.P.No.22553 of 2024

To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George,
Chennai-600009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy,
Chennai-600032.



WEB COPY



W.P.No.22553 of 2024

G.K.ILANTHIRAIYAN. J,

mn

W.P.No.22553 of 2024

02.08.2024