



W.P. No.26137 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.26137 of 2021
and
W.M.P.Nos.27589 & 27590 of 2021

1.R.Rajagopalan

2.V.Karunanidhi

3.I.Madhankutty

... Petitioners

Vs.

1.The Government of Tamilnadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai – 600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the entire records which culminated in G.O.(D).No.151, Environment, Climate Change and Forests (FR.2(II)) Department dated 22.10.2021 and quash the same and



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further direction regularization of the service in the cadre of Forest Watcher Grade-II retrospectively with effect from 24.12.1989, 11.02.1990 and 01.12.1990 after completion of 10 years of service, in the light of the order passed in W.P.No.17568 of 2010 dated 24.10.2016 and G.O.Ms.No.89, Environment and Forest (FR-II) dated 18.07.2017 so as to enable to get service benefit and other monetary benefit.

For Petitioners : M/s.S.Mani
Senior Advocate.
For Respondents : Mr.S.Rajesh
Government Advocate.

ORDER

The learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondents 1 and 2 fairly submitted that the issue involved in this writ petition is squarely covered by the order passed by the learned Single Judge of this Court in W.P.No.17568 of 2010 dated 24.10.2016.

2. It is also brought to the notice of this Court that the learned Division Bench of this Court in W.A.No.904 of 2021 dated 26.03.2024, after having taken note of the order passed in W.P.No.17568 of 2010 dated 24.10.2016, allowed the claim made by the appellants therein under similar



circumstances.

3. This Court having taken into consideration, the submission made on either side and also perused the entire material on record and on verification, it is noticed that the claim of the petitioners in W.P.No.17568 of 2010 were considered by the respondents pursuant to order dated 24.10.2016 passed in the said writ petition and issued G.O.Ms.No.89, Environment and Forest (FR-II) dated 18.07.2017. When the petitioners herein, who are similarly situated like the petitioners in the said writ petition made similar claim and same was negated by the respondents by passing impugned order in G.O.(D).No.151, Environment, Climate Change and Forests (FR.2(II)) Department dated 22.10.2021.

4. From the perusal of the said G.O.(D).No.151, Environment, Climate Change and Forests (FR.2(II)) Department dated 22.10.2021 which is impugned in the present writ petition also, it is noticed that the petitioners herein and the petitioners in W.P.No.17568 of 2010 are similarly placed. However, the respondents issued the impugned order without application of mind rejecting the claim of the petitioners and refusing to extend the benefit



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that was already extended to the petitioners in W.P.No.17568 of 2010.

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5. In the light of the submission made by the learned counsel on either side, as already noted above, this Court does not find any reason to adjudicate this matter on merits again and this Court is of the considered view that it is appropriate to dispose of the writ petition as it is fully covered by the order passed by this Court in W.P.No.17568 of 2010 dated 24.10.2016 and the order passed in W.A.No.904 of 2021 dated 26.03.2024.

6. Accordingly, writ petition is allowed directing the respondents to regularize services of the petitioners from the date on which they have completed 10 years of services as Forest Watcher Grade-II and consequently, extend all service benefits including financial benefits to them as provided under G.O.Ms.No.89, Environment and Forest (FR-II) dated 18.07.2017 under the other relevant Rules. The entire exercise as directed shall be completed as expeditiously as possible at any rate within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. Accordingly, writ petition is allowed. The connected miscellaneous applications, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
dpa

To:

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