



W.P.No.34182 of 2023 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 34182 of 2023 and W.P. Nos. 2610, 10527, 10280, 10532, 10537
and 11355 of 2024

and

W.M.P. Nos. 11543, 11300, 11547, 11553 and 12453 of 2024

W.P. No. 34182 of 2023

A.Lourdusamy

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. By its Additional Chief Secretary,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.

2. The Principal Chief Conservator of Forest,
(Head of Forest Force),
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 Certiorarified Mandamus, to call for records in
G.O. (Ms) No. 124, Environment, Climate Change and Forests (FR.2.II)



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Department dated 17.08.2022 and quash the same insofar as regularization of the petitioner service with effect from 24.01.1995 instead of 08.03.1999 and further direction directing the respondents to consider the notional regularization to the petitioners as Forest Watcher with effect from 24.01.1995 instead of 08.03.1999 for purpose of getting revised pension on par with juniors same was done in similarly placed persons within time limit to be stipulated by this Court.

For Petitioners
in all W.Ps : Mr. S.Mani

For Respondents : Mr. R.Neelakandan
in all W.Ps Additional Advocate General
assisted by
Dr. T.Seenivasan,
Special Government Pleader

COMMON ORDER

Heard Mr. S.Mani, learned counsel for the petitioners and Mr. R.Neelakandan, learned Additional Advocate General assisted by Dr. T.Seenivasan, learned Special Government Pleader appearing for the respondents and perused the materials placed on record, apart from the pleadings.



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2. These Writ Petitions have been filed challenging the orders dated 21.01.2019, 15.11.2021, 10.08.2022, 26.04.2019, 16.06.2023, 07.07.2022, and 17.08.2022, insofar as the regularization of the petitioners' service is concerned, with effect from 24.01.1995 instead of 08.03.1999.

3. The petitioners were working in the Forest Department; prior to their regularization of service, they were engaged on a daily wage basis for more than two decades as plot watchers. Thereafter, they were brought into the regular time scale of pay as Forest Watchers and subsequently, they were promoted as Forest Guards. Further, in order to rehabilitate them and ensure that their services were regularized, a statewide seniority list was prepared by the Government in a phased manner, so as to enable them to get their services regularized in a phased manner with reference to the initial date of joining on a wage basis from the category of Plot Watchers to Forest Watchers. The petitioners were included in the seniority list. Accordingly, their services were regularized after rendering several years. They were regularized as per their order of seniority for the reason that, in the year 1994, the original rule prescribed that only those able to read and write in



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Tamil were eligible for the post of Forest Watcher from the post of Plot Watcher. However, by overriding this rule, G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994 was passed, and thereby imposed conditions, i.e., possession of a minimum general education qualification of SSLC for the post of Forest Watcher. However, the Rule was not amended to that effect.

4. Accordingly, overlooking seniority, 425 plot watchers were given appointment to the post of Forest Watchers on a regular time scale post on 24.01.1995. Therefore, as per seniority, the qualified plot watchers filed Original Application in O.A. No. 197 of 1995, etc., batch and obtained an interim stay of the above G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994. However, 175 persons joined the post of Forest Watchers as per their qualification of SSLC.

5. While that being so, G.O. (Ms) No. 64, Environment and Forests (V2) Department, dated 08.03.1999, cancelled the Government Order impugned in the original application, G.O. (Ms) No. 332,



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Environment and Forests (FR. VI) Department, dated 22.12.1994.

Therefore, the original position was restored, and as such, the first respondent ought to have brought the petitioners into the regular time scale post as Forest Watchers from the cadre of plot Watchers as per their seniority. However, the services of the petitioners were regularized only from the year 2000 onwards. Therefore, they filed Writ Petitions before this Court seeking to confer upon them notional regularization in the cadre of the post of Forest Watchers on par with their juniors with effect from 24.01.1995.

The batch of Writ Petitions was allowed, and direction was given to grant notional regularization on par with their juniors. On the basis of the said orders, the petitioners were given notional regularization in the cadres of Forest Watchers on par with their juniors only with effect from 08.03.1999 instead of 24.01.1995, for the reason that the rule was restored only by way of G.O. (Ms) No. 64, Environment and Forests (V2) Department, dated 08.03.1999.



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6. The learned Additional Advocate General appearing for the respondents submitted that, as per G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994, Plot Watchers/Village Social Forestry Workers were appointed to the post of Forest Watchers subject to the condition that the individuals must possess a minimum general education qualification or higher qualification for appointment as Forest Watchers. Accordingly, 425 Plot Watchers who possessed the minimum general qualification, i.e., SSLC, were promoted as Forest Watchers. Thereafter, by way of G.O. (Ms) No. 64, Environment and Forests (V2) Department, dated 08.03.1999, the condition was cancelled with effect from 08.03.1999. Therefore, the petitioners were regularized only from the date of the said Government Order, i.e., on 08.03.1999.

7. As rightly pointed out by the learned counsel for the petitioners, originally, the eligibility for the cadre post of Forest Watcher was only the ability to read and write in Tamil, along with a height of 163 cms. By way of the Government Order in G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994, the minimum general education



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qualification, i.e., SSLC, was fixed for the post of Forest Watcher. After the filing of the application before the Tamil Nadu Administrative Tribunal, the Government itself cancelled the said Government Order and issued G.O. (Ms) No. 64, Environment and Forests (V2) Department, dated 08.03.1999, thereby cancelling G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994, and G.O. Ms. No. 297, Environment & Forests (FR. 2) Department, dated 28.11.1994.

8. On a perusal of the Tamil Nadu Forest Subordinate Services Rules for the category of Forest Watcher, the method of recruitment is by direct recruitment and appointment from Social Forestry Workers and Plot Watchers, with the qualification being the ability to read and write in Tamil, and physical requirements of not less than 79 cm round the chest on full expiration, a height of not less than 163 cm, and a chest expansion of not less than 5 cm on full inspiration. Accordingly, all the petitioners are qualified and eligible for the post of Forest Watchers.



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9. As per seniority, their juniors were posted to the post of Forest Watchers pursuant to G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994. After cancelling the said Government Order, the petitioners are also entitled to be posted to the post of Forest Watchers on par with their juniors. That apart, as per G.O (2D) No. 177, Environment, Climate Change and Forests (FR.2ii) Department, dated 14.11.2022, similarly placed persons, viz., V. Subramani and 29 others, were given notional promotion to the post of Forest Watcher from 24.01.1995.

10. In view of the above, the following Government Orders are quashed, insofar as the regularization of the petitioners' service with effect from 24.01.1995 instead of 08.03.1999: G.O. (2D) No. 124, Environment, Climate Change and Forests (FR.2.II) Department, dated 17.08.2022; G.O. (2D) No. 95, Environment, Climate Change and Forests (FR.2.II) Department, dated 07.07.2022; G.O. (Ms) No. 08, Environment and Forests (FR.2.II) Department, dated 21.01.2019; G.O. (D) No. 165, Environment, Climate Change and Forests (FR.2.II) Department, dated 15.11.2021; G.O. (2D) No. 115, Environment, Climate Change and Forests (FR.2.II)



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Department, dated 10.08.2022; G.O. (Ms) No. 40, Environment and Forests (FR.2.II) Department, dated 26.04.2019; and G.O. (2D) No. 124, Environment, Climate Change and Forests (FR.2.II) Department, dated 16.06.2023. The respondents are directed to notionally regularize the petitioners as Forest Watchers with effect from 24.01.1995, for the purpose of revised pension, on par with their juniors, as per Tamil Nadu Forest Subordinate Services Rule 5 Class-1 (4)(ii), within a period of eight weeks from the date of receipt of a copy of this order.

11. In the result, these Writ Petitions are allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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To
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1. The Additional Chief Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai – 600 009.
2. The Principal Chief Conservator of Forest,
(Head of Forest Force),
Velachery Main Road, Guindy,
Chennai – 600 032.



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