



W.P.No.34270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM:

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

W.P.No.34270 of 2023

A.Devaraj

...Petitioner

-Vs-

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary to Government,
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-32.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing the Government G.O.(2D).No.147, Environment, Climate Change and Forests (FR.2ii) Department dated 26.06.2023 on the file of the first respondent and quash the same and consequently directing respondents to regularize the service of petitioner in the cadre post of Forest Watcher for purpose of getting minimum pension/Family pension by giving relaxation in respect of



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height on par with juniors namely P.Karuppiah S.No.4608 with effect from 24.01.1995 in the light of the order passed by this Hon'ble High Court in W.P.No.23647 of 2013 dated 12.09.2014 same was affirmed by Division Bench in W.A.No.2072 of 2018 dated 11.08.2021 and implementation order passed by the first respondent in G.O.(2D) No.09 Environment, Climate change and Forest (FR.2II) Department dated 08.02.2022 within a time limit that may be fixed by this Honourable Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed calling for the entire records which culminated in issuing the Government G.O.(2D).No.147, Environment, Climate Change and Forests (FR.2ii) Department dated 26.06.2023 on the file of the first respondent and quash the same and consequently directing respondents to regularize the service of petitioner in the cadre post of Forest Watcher for purpose of getting minimum pension/Family pension by giving relaxation in respect of height on par with juniors namely P.Karuppiah S.No.4608 with effect from 24.01.1995 in the light of the order passed by this Hon'ble High Court in W.P.No.23647 of 2013 dated 12.09.2014 same was affirmed by Division Bench in W.A.No.2072 of



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2018 dated 11.08.2021 and implementation order passed by the first respondent in G.O.(2D) No.09 Environment, Climate change and Forest (FR.2II) Department dated 08.02.2022 within a time limit that may be fixed by this Honourable Court.

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

3. The petitioner was appointed as Social Forest Worker on daily wage basis in the Forest Department on 01.04.1981. Thereafter, the Government had drawn the State Wide Seniority list for conferment of permanent status as Forest Watcher. The petitioner was included in the Statewide seniority after 40 years of his service. Without following the seniority list, Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioner was brought into regular time scale of pay as Plot Watcher on 31.08.2009 with effect from 07.08.2009 that too in a non cadre post. The post to which the petitioner was brought into regular time scale of pay is not a cadre post and it was only a supernumerary post. Therefore, the petitioner submitted a



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representation dated 18.03.2022 seeking to consider in accommodating him in the regular cadre post of Forest Watcher by giving him relaxation with respect to height or age as the case may be, so as to enable the petitioner to get all the consequential benefits.

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 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



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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 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 impugned order cannot be sustained and is liable to be quashed. Accordingly, G.O.(2D).No.147, Environment, Climate Change and Forests (FR.2ii) Department dated 26.06.2023, on the file of the first respondent, is hereby quashed. The respondents are directed to consider the representation submitted by petitioner dated 18.03.2022, 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



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similarly placed persons and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is allowed. There shall be no order as to costs.

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(4/4)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To
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1. The Additional 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-32.

G.K.ILANTHIRAIYAN. J.

mn



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