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W.P.No.34556 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.34556 of 2023

M.Meenakshi

...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.26, Environment, Climate Change and Forests (FR.2ii) Department, The Additional Chief Secretary to Government, dated 13.02.2023 on the file of the first respondent and quash the same so and consequently directing respondents to regularize the service of petitioner in the cadre of Forest Watcher for purpose of getting minimum pension/Family pension on par with juniors namely P.Karuppiyah S.No.4608 with effect from 24.01.1995 and in the light of the



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orders passed by this Hon'ble High Court 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 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.26, Environment, Climate Change and Forests (FR.2ii) Department, The Additional Chief Secretary to Government, dated 13.02.2023 on the file of the first respondent and quash the same so and consequently directing respondents to regularize the service of petitioner in the cadre of Forest Watcher for purpose of getting minimum pension/Family pension on par with juniors namely P.Karuppiah S.No.4608 with effect from 24.01.1995 and in the light of the orders passed by this Hon'ble High Court 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



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09.09.2021 within a time limit that may be fixed by this Honourable Court.

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

3. The case of the petitioner is that the petitioner's husband had joined the service of the Forest Department on 01.07.1980 on daily wage basis. The name of the petitioner's husband 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's husband have 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's husband is senior to them, his service was regularized only on 26.10.2012. The service of the petitioner's husband was regularized after a period of more than two decades of service. Though the petitioner's husband is qualified with SSLC and was given regular time of appointment as Forest Watcher in the year 1995,



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the petitioner's husband 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 like the petitioner's husband 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. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, G.O.(2D).No.26, Environment, Climate Change and Forests (FR.2ii) Department, The Additional Chief Secretary to



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Government, dated 13.02.2023, is hereby quashed. the respondents are directed

to consider the case of the petitioner's husband seeking regularization of his service as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension by taking into account their 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 proceedings of the second respondent dated 07.01.2011 and order in W.P.No.19020 of 2021 dated 09.09.2021, within a period of twelve weeks from the date of receipt of a copy of this order.

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

23.01.2024
(1/5)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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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),
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