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W.P.No.34562 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.34562 of 2023

S.Rajamuthu

...Petitioner

-Vs-

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary,
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 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 juniors L.Stephan, Seniority No.4794 and R.Mani, Seniority No.4920 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



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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.

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Arumugam
Government Advocate

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 juniors L.Stephan, Seniority No.4794 and R.Mani, Seniority No.4920 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.



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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 he had joined the service of the Forest Department on 01.04.1985, on daily wage basis. The name of the petitioner 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 petitioners 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 is senior to them, his service was regularized after a lapse of 24 years on 07.08.2009 and he was promoted to the post of Forest Guard on 08.02.2016. 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



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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, 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. Considering the above facts and circumstances of the case, the respondents are directed to consider the representation submitted by the petitioner seeking regularization of his service as Forest Watcher from 24.01.1995 notionally for the purpose of getting pension by taking into account



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their seniority and qualification 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, within a period of twelve weeks from the date of receipt of a copy of this order.

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

23.01.2024
(2/5)

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),
Velachery Main Road,
Guindy,
Chennai-600032.

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