



W.P.No.503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

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THE HONOURABLE Ms. JUSTICE **P.T.ASHA**

W.P.No.503 of 2023

and

W.M.P.Nos.462, 465 and 466 of 2023

1. S.Ashok Kumar

2. A.Vanamuthu

... Petitioners

-VS-

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Environment and Forest Department,
Fort.St.George,
Chennai.

2.The Principal Chief Conservator of Forest,
Joint Forest Management,
Velachery Main Road,
Guindy, Chennai-32.

3.The Wild Life Warden,
Kalakad Mundanthurai Tiger Reserve,
Ambasamuthiram Division,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, to call for the

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G.O.(Ms)No.227, Environment, Climate change and Forests (FR.2-II) Department, dated 30.12.2022 and to quash the same in respecting of non-inclusion of the petitioners alone with consequential direction to the respondents to appoint the petitioners as Forest Watchers on par with similarly placed persons with all consequential benefits within time frame.

For petitioners : Ms.K.Jenitha

For respondents : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to regularise the services of the petitioners as Forest Watchers on par with similarly placed persons with all consequential benefits.

2. The learned counsel for the petitioners would submit that the petitioners were appointed as Anti-Poaching Watchers, at Kalakad Mundanthurai Tiger Reserve, Ambasamuthiram Division and have rendered more than 15 years of unblemished service. He



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would submit that the respondents have prepared a statewide seniority list of Anti Poaching Watchers working in the Department which includes Tribes and Non-Tribes, in which, the High Level Committee of the State Forest Commission has made a recommendation to recruit tribal youths as Forest Watchers. Based on the recommendation of the commission and the proposal of the 2nd respondent, the 1st respondent issued G.O.(Ms)No.205, Environment and Forests (FR-2) Department, dated 13.08.2012, to prepare the seniority list of Scheduled Tribes who have been appointed as Anti-Poaching Watchers and have completed 10 years of service for the post of Forest Watchers and according to which, the petitioners name have been included in the seniority list.

3. Thereafter, the 2nd respondent issued an order dated 25.02.2021, for regularisation of 56 Scheduled Tribes Anti-Poaching Watchers as Forest Watchers, in which, juniors of the petitioners were regularized. Subsequently, the 2nd respondent by his proceedings dated 27.01.2022, has called for the list of Anti



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Poaching Watchers working in the Department for certificate verification to appoint as Forest Watchers, in which also, the petitioners name were omitted. Therefore, the petitioners had made a representation dated 28.02.2022, to regularize their services as Forest Watchers. However, there is no response, aggrieved by which, the petitioners are before this Court.

4. In the counter affidavit filed by the 3rd respondent on behalf of the 1st and 2nd respondents, the respondents have admitted the fact with reference to the petitioners appointment and the fact that they have completed 10 years of service as on 01.01.2019. However, they would submit that the petitioners were involved in Scheduled Timber Offence Case (STOR No.1 of 2018) and were temporarily removed from service by the Chief Conservator of Forests and Field Director, Kalakkad Mundanthurai Tiger Reserve, with effect from 01.09.2018 till 03.01.2019. Since there was a break in their services and on account of their involvement in anti-forest activities, the petitioners were not considered for appointment *vide*



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G.O.(Ms)No.227, Environment and Forests (FR.2-II) Department,
dated 30.12.2022.

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5. Thereafter, it is the contention of the respondents that the petitioners and similarly placed persons were provided an another opportunity *vide* the Principal Chief Conservator of Forests (Head of Department), Chennai No.LL2/20330/2023 dated 15.03.2024, wherein, the petitioners name were included and appointed as Forest Watchers and joined on their duties on 15.03.2024. Therefore, it is the contention of the respondents that the relief claimed has become infructuous.

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

7. The argument that the writ petition has become infructuous cannot be sustained on account of the fact that the petitioners who had been entitled to be appointed as Forest Watchers



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in the year 2019 as they had completed 10 years of service, were denied the appointment on account of the pendency of the case of anti-forest activities against them and on account of their break in service. Admittedly, the non-consideration of the petitioners for the year 2022 was on account of the fact that they had been denied the employment for about four months on account of the complaint being received that the petitioners were involved in the anti-forest activities. Ultimately, after an enquiry, the complaint was found to be a false complaint. Therefore, the break in service is not on account of any wrong on the part of the petitioners and the reason for non-consideration of the petitioners in the year 2022 has become non-existent.

8. Considering the fact that the petitioners had been now regularized as Forest Watchers in the year 2024, it shall be deemed that the petitioners have been regularised in the year 2022, when the earlier panel had been approved with effect from the date in which the earlier panel was approved.



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With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes
Index : Yes/No
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To

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