



Writ Petition No.2939 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE T.VINOD KUMAR

Writ Petition No.2939 of 2019

M.Vishnu,
S/o.M.Madevan

... Petitioner

Vs

1. Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai – 600 015.
3. The Deputy Director,
Mudumalai Tiger Reserve Forest,
Nilgiris.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent dated 08.06.2018 vide Ref.No.LL1/1500/2018 and quash the same and consequently direct the respondents herein to include the petitioner's name in the Sate wide Seniority list in the light of G.O.Ms. No. 202, Environment and Forest Department, dated 18.12.2013.



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For Petitioner : Mr.S.Mani

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the records.

2. The case of the petitioner in brief is that he had joined the respondents department service as Plot Watcher (Tending) on daily wage basis and has been working in the said department from the date of joining the service i.e., with effect from 01.04.2001 till date; and that in spite being in service for more than 10 years, his services have not been regularized.

3. It is the further contention of the petitioner that similarly placed persons like him, who approached this Court seeking inclusion of their names in the seniority list by filing a writ petition *vide* W.P.No.21067 of 2009, their cases have been considered, however, the petitioner contends that the respondents have not included the name of



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the petitioner in the seniority list for regularization his services in terms of G.O.Ms.No.202, Environment and Forest Department, dated 18.12.2013.

4. It is the further contention of the petitioner that since he had put in more than 17 years of service up to the date of filing of the writ petition, and continuing as such, the respondents ought to have considered that the petitioner's services need to be regularized in terms of aforementioned Government Order i.e., G.O.Ms. No.202, dated 18.12.2013.

5. Counter affidavit on behalf of the respondents is filed.

6. By the counter affidavit, the respondents contended that the petitioner was not engaged as Plot Watcher, but was appointed as Anti-Poaching Watcher on need basis; and that the period of duty as mentioned by the petitioner does not tally with the report of the Forest Range Officer.



7. By the counter affidavit, it is further stated that the petitioner has left the job on his own, without informing the competent authorities and from August, 2012 onwards, his whereabouts are not known and since the petitioner was engaged on daily wage basis, due to his absence, another person was engaged in the said post.

8. By the counter affidavit, it is further contended that since G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, clearly states that those, who have rendered continuous service for more than 10 years, should be considered for regularization in the post of Supernumerary and since, the petitioner by his own admission, admit to the fact that he having joined service only on 01.04.2001, the petitioner does not satisfy the aforesaid condition of rendering continuous service and hence, is not considered for regularization.

9. By the counter affidavit, it is further contended that by G.O.Ms.No.202, dated 18.12.2013, instructions were issued to regularize the service of persons engaged on daily wage basis, who rendered more than 10 years of continuous service and still continuing. Since, the petitioner by the time of issuance of the aforesaid Government order i.e.,



G.O.Ms.No.202, had already left the job, during the period August 2012 itself, his claim for regularization has not been considered.

10. It is thus contended by the respondents that since, the petitioner was not in continuous service in terms of G.O.Ms.No. 95 or G.O.Ms.No. 202, the claim of the petitioner for regularization cannot be considered.

11. I have taken note of the respective contentions.

12. While the petitioner claimed of he continuing his employment on daily wage basis with the respondents since, the date of joining i.e., from 01.04.2001 to till date, the respondents on the other hand by the counter affidavit contended that the petitioner having left the job on his own volition without informing the competent authorities from August, 2012 and his whereabouts are not known.

13. On the aforesaid diametrically opposite stand being taken by the petitioner as well as the respondents, this Court directed the respondents to place before this Court, the details of the employment of the petitioner and the period of service rendered.



14. Learned Additional Government Pleader appearing on behalf of the respondents has placed before this Court a statement furnishing the details of petitioner's employment as available with the respondents.

15. A perusal of the aforesaid statement shows that the petitioner having been appointed as Anti Poaching Watcher on daily wage basis with effect from 01.04.2001 and having worked till 31.07.2012 with break-in service from 01.04.2011 to 31.05.2011 and second break-in service from 01.08.2012 to 28.02.2018. The statement further shows that total service put in by the petitioner as on 31.12.2018 is of 17 years.

16. A perusal of the aforesaid statement capturing the details regarding the employment of the petitioner with the respondents on daily wage basis would reveal that the petitioner had worked continuously from 01.04.2001 to 31.05.2011 without any break in service, thus had completed 10 years of continuous service. The details of break-in service as per the statement placed before this Court is from 01.04.2011 to 31.05.2011 i.e., for a period of two months and thereafter, from 01.08.2013 to 28.02.2018 i.e., for a period of nearly 4 years 5 months.



17. It is to be noted that even before the break-in service had occurred, the petitioner had completed 10 years of service as Anti Poaching Watcher thereby, making him eligible for his service being regularized in terms of G.O.Ms.No.202, dated 18.12.2013.

18. Though on behalf of the respondents, it is contended that the petitioner having left the service on his own and his whereabouts are not known after August, 2012, it is to be noted that upon his name being excluded from the list of 243 persons, whose services were sought to be regularized in terms of G.O.Ms.No.202, dated 18.12.2013, the petitioner approached this Court by filing a writ petition *vide* W.P.No. 28313 of 2017 and the respondents did not take the stand as taken by them in the counter-affidavit filed in the present case.

19. Further, it is to be noted that the respondents claim that on account of the non-maintaining of attendance register of the daily wage workers properly, the petitioner's attendance is not available, due to which the respondents are unable to state with certainty as to whether the petitioner had abandon the employment or continued to work as daily wager. The responsibility of the maintenance of attendance register of the



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daily wage workers lies with the respondents and for the omission of the respondents in maintaining the attendance register properly, the statement made by the respondents that the petitioner having left job on his own volition cannot be accepted.

20. Further, the petitioner having been categorically asserted of being in receipt of wages during the said period claimed by the respondents as petitioner having left the service on his own, goes to show that the claim of the respondents of petitioner having left the job on his own in August, 2012 is only inverted to deny the petitioner the benefit of regularization in terms of G.O.Ms.No.202, which was directed to be considered by this Court in W.P.No.28213 of 2017. The counter affidavit as filed by the respondents into this Court does not reflect the correct factual position with regard to the period of service of the petitioner, the said counter affidavit as filed by the respondents is rejected.

21. Thus, the stand taken by the respondents while rejecting the claim of the petitioner for including in the list of candidates for regularization of their service, stating that the petitioner has not



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completed 10 years of service, in the considered view of this Court cannot be sustained.

22. Accordingly, the writ petition is allowed, the impugned proceedings is set aside and the matter is remanded back to the respondents to include the name of the petitioner in the list of candidates to be regularized, who had completed 10 years of service by taking into consideration the date of joining of the petitioner.

23. The respondents are directed to undertake and complete the aforesaid exercise within a period of six weeks from the date of receipt of a copy of this order.

24. There shall be no order as to costs.

10.11.2025

Index:Yes/No
Speaking Order/Non-speaking order
Neutral Citation:Yes/No

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T.VINOD KUMAR, J

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To

1. Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.
2. The Principal Chief Conservator of Forests,
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