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W.P.No.3250 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.12.2025

PRONOUNCED ON : 12.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.3250 of 2019

S.Mani

.. Petitioner

vs

1.The Principal Chief Conservator of Forest,
Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai – 600 015.

2.The Chief Conservator of Forest,
And Field Director, Anamalai Tiger Sanctuary,
Pollachi, Coimbatore District.

3. Deputy Director,
Anamalai Tiger Sanctuary,
Pollachi, Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the entire records which issuing the proceedings in Na.Ka.No.S2/29754/2018 dated 18.07.2018 on the file of 1st respondent and Na.Ka.No.4385/2018/Pa1 dated 12.10.2018 on the file of the 3rd respondent and quash the same and consequently direct the respondents to reinstate the petitioner in the regular time scale of the post of forest watcher on the basis of his seniority with all consequential service and monetary benefits within a time stipulated by this Court.



his representations by regularising his work, he had approached 1st and respondents and submitted a representation dated 11.07.2018; that in the meantime, the 3rd respondent by the impugned letter dated 12.10.2018 stated that as per the proceedings bearing Na.Ka.No.S229754/2018 dated 18.07.2018, there is no provisions in G.O. for regularisation of the services of the petitioner and thus, seeks for setting aside the aforesaid proceedings with a consequential direction to the respondents to reinstate the petitioner in the regular time scale in the post of Forest Watcher on the basis of his seniority with all consequential service and monetary benefits.

4. Counter affidavit on behalf of respondents is filed.

5. The respondents by the counter affidavit while denying the writ averments contended that the petitioner worked as “helper to the rest house Cook” and also for some time as 'Cook' on daily wage basis during the period from 01.01.1988 to 01.01.1998 through petty contract basis; that the petitioner for most of the time was engaged as a casual labour through petty contract scheme to carry out various works such as to assist cook in the rest house as well as Cook in the rest house etc.,; that as per the instructions of the Conservator of Forests, Coimbatore Circle, Temporary Rest House Watchers and Plantation Watchers who had completed 10 years of service were asked to assemble at the office of District Forest Officer, Coimbatore



Division, Coimbatore for verification of Educational and Commu

certificates and physical measurements to prepare the circle level seniority list for temporary employees; that the petitioner attended the verification process on 23.11.1992; that as he had not completed 10 years of service on the said date, his name was not included in the circle level list and thus, his name was not found in the State Level Seniority List.

6. The respondents further contended that in the year 1998, action was initiated by the then Wildlife Warden, Pollachi for selection of Hill Tribes for Forest Watcher in accordance with the relaxation ordered in G.O.Ms.No.302, E & F Department dated 01.12.1994; that a list of Hill Tribes were called for from the forest range officers concerned in Ullandy range; that as per the information furnished by the Forest Range Officer, the petitioner did not have any community certificate, though his son Thiru.M.Murugan who possessed a valid community certificate; that the respondent appointed petitioner's son as Forest Watcher in relaxation of relevant rules and that the petitioner's son is working as Forest Guard in Coimbatore Circle.

7. The respondents by the counter affidavit further contended that the petitioner all of a sudden submitted a representation dated 11.07.2018 to the



first respondent requesting for permanent absorption in the Department of Forests

the Principal Chief Conservator of Forest (HoD), Chennai vide his proceedings dated 18.07.2018 instructed the Chief Conservator of Forests and Field Director, Annamalai Tiger Reserve, Pollachi to inform the petitioner that there is no provision to appoint daily wage employees on regular basis and that for the said reason, the petitioner was informed of the same vide letter dated 12.10.2018.

8. The respondents by the counter affidavit further contended that the petitioner except being employed through petty contract system was not in direct employment of the Department; and that the petitioner's son M.Murugan was provided with regular Government Job as a Forest Watcher in the year 1998; that the petitioner had left the Topslip area after his son's appointment in the respondent department as Forest Watcher and his whereabouts were not known till he had approached respondent authorities by submitting representation dated 11.07.2018 claiming for being appointed in the respondent department; and that the petitioner on the date of filing of the present writ petition is aged about 57 years and had also left the work on his own more than 10 years ago and is now seeking for regular appointment and regularisation of his services after lapse of more than 10 years and as such, the plea of the petitioner is not maintainable.



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9. Contending as above, respondents seek for dismissal of the writ petition.

10. I have taken note of the respective contentions urged.

11. Though the petitioner had claimed of he having been appointed as a Cook-cum-watcher with effect from 01.01.1988 and having worked till 01.01.1998, the material papers filed along with the writ petition shows that the petitioner being taken into employment though on daily wage basis only from 01.01.1991 as claimed by the respondents.

12. Further, the statement as filed by the petitioner into this Court shows that the petitioner though was working on a temporary basis was employed only on few days and was not in continuous service of the respondents.

13. Further, the petitioner having claimed of he having joined the respondent Department on 01.01.1988, and continued to work with the respondent, it is to be noted that the petitioner by the present writ petition had sought for relief of reinstatement thus, contradicting his own assertion of being in employment.



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14. Further, it is also to be noted that though the petitioner has claimed that he had approached respondent authorities and submitted representation from time to time seeking for regularisation of services, no material is placed before this Court to substantiate the aforesaid claim made by the petitioner. It is only on 11.07.2018, the petitioner had approached the 1st and 2nd respondent authorities and submitted his representation. During the period from 1998 till 2018 i.e., for two decades, the petitioner remained silent and failed to assert his right, if any accrued.

15. The fact of the petitioner remaining silent for a period of two decades and also by the present writ petition seeking relief of reinstatement goes to show that the petitioner is not in service and thus, the claim made by the petitioner in the affidavit filed in support of the writ petition that he is continuing to serve the respondents cannot be accepted as correct statement.

16. Further, the petitioner having failed to place before this Court any evidence to show that he having approached the respondent authorities after 1998 seeking regularisation of his service and also that he has been continuously working for more than 480 days, so as to become eligible for his services to be regularised, the mere assertion without substantiating the said claim in the considered view of the this Court cannot be considered as a



genuine claim to hold that the petitioner is entitled for his services to be regularised from the date of alleged initial appointment on 01.01.1988 for this Court to set aside the impugned order of the 1st and 3rd respondents dated 18.07.2018 and 12.10.2018.

17. For the aforesaid reasons, this Court is of the considered view that the present writ petition as filed by the petitioner is only a chance litigation. Accordingly, the writ petition is devoid of merit and is dismissed. No costs.

12.12.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

To

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T. VINOD KUMAR, J.

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Pre-Delivery Order in

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