



WEB COPY



W.P.No2623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2623 of 2024

W.M.P.Nos.2879, 2880 & 8778 of 2024

1.S.Kuluthunga Cholan
2.L.Siyam Sundar
3.G.Baskaran
4.M.Aruljothi

... Petitioners

Vs

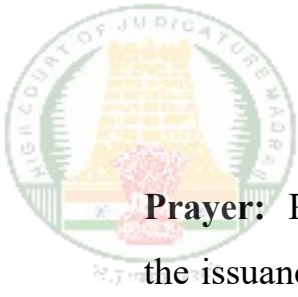
1.The State of Tamil Nadu,
Rep.by its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Velachery Main Road,
Guindy,
Chennai-600 032.

3.Rajan

4.V.Venkatesan

... Respondents



W.P.No2623 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st respondent dated 24.01.2024 made in G.O.(2.D) No.15, Environment, Climate Change and Forest (FR.2(i)) Department and quash the same, consequently direct the Respondents 1 and 2 to implement the Government Order dated 26.08.2019 in G.O.Ms.No.83, Environment Forest (FR.2 (I) Department with regard to compliance of the directions issued by the Hon'ble Division Bench of this Hon'ble Court dated 17.04.2018 made in W.A.No.811 of 2011 and etc., batch.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr. C.Selvaraj,
Additional Govt.Pleader for RR-1 to 3

:Mr.T.Dharani for R-4

ORDER

The present Writ Petition has been filed challenging the order passed by the 1st respondent granting promotion to the 4th respondent to the post of Forest Range Officer on par with his Junior C.Ganesan.

2. The petitioners were appointed as Forest Guards in the year 2000 by way of direct recruitment. Subsequently, they were appointed as Foresters in the year 2011. The next avenue of promotion is to the post of Forest Range Officer. It is the case of the petitioners that, despite their eligibility and seniority, they were not granted promotions to the post of Forest Range Officers due to the illegal methods adopted by the respondents 1 & 2 in promoting Plot Watchers/Social



W.P.No2623 of 2024

Forestry Workers against rota quota to the said post. According to the petitioners, such promotions were contrary to the orders passed by the Division Bench in W.A.No.811 of the 2011 etc., batch wherein, the respondents were directed to re-do the entire excise by constituting a Committee to determine the proper application of rota quota and to examine the legality of promotions granted to the 4th respondents and 54 others.

3. In compliance of the said order of the Division Bench, the 1st respondent issued G.O.No.83 dated 26.08.2019. Pursuant to the said G.O, the 4th respondent was reverted to the post of Forest Guard by order dated 26.08.2019. Challenging the order passed by the Division Bench, a Special Leave Petition was filed before the Supreme Court in S.L.P. (Civil) No.19254 of 2018 and the same is pending consideration. Thereafter, the 4th respondent submitted a representation to the 1st respondent seeking fixation of seniority for promotion to the post of Forest Range Officer on par with his junior. Based on the said request, the present impugned order has come to be passed. Aggrieved by which, the present Writ Petition has been filed.

4. Learned Counsel appearing for the petitioners submitted that, while the issue relating to inter se seniority between the petitioners is still pending consideration before the Hon'ble Apex Court, the respondents ought not to have



W.P.No2623 of 2024

proceeded with the promotion of the 4th respondents as the orders passed by the Division Bench continues to operate till the outcome of the SLP. He further submitted that, no order of stay has been granted in the SLP as on date. In the absence of any interim stay, the respondents are bound to comply with the orders passed by the Division Bench and therefore, the impugned order of promotion cannot be sustained and is liable to be set aside.

5. Per Contra, learned Additional Government Pleader appearing for the respondents submitted that while reiterating the averments made in the Counter Affidavit filed on behalf of the 2nd respondent submitted that, though as per G.O.Ms.No.83 dated 26.08.2019, temporary promotion granted to the 4th respondent and 55 others was cancelled, implementation of the same has been kept in abeyance in view of the pendency of batch of Writ Petitions relating to seniority before the Madurai Bench of this Court. He further submitted that the matter is also subject to the outcome of the Special Leave Petition (Civil) No.19254 of 2018 pending before the Apex Court. He further submitted that the impugned order has been passed strictly in accordance with relevant service rules and administrative exigencies therefore, the same does not warrant any interference. Accordingly, he prayed for dismissal of the Writ Petition.



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

7. The issue that arises for consideration in the present Writ Petition is whether the promotion granted to the 4th respondent during the pendency of the dispute relating to inter se seniority is legally sustainable.

8. It is not in dispute that the petitioners were appointed as Forest Guards in the year 2000 by way of direct recruitment whereas, the 4th respondent was appointed in the year 2004. The dispute pertains to the fixation of inter se seniority between the petitioners and the 4th respondent. On this issue, Division Bench had issued specific directions to the respondents to determine the inter se seniority, permitting the parties to place their claims before the 1st respondent.

9. When such determination of seniority is pending, the respondents had proceeded to promote the 4th respondent on par with his juniors to the post of Forest Range Officer. The said act of the respondents is wholly unsustainable as it is in gross violation of the order passed by the Division Bench. Once the issue relating to seniority is sub-judice and specific directions have been issued by the Division Bench, the respondents are bound to await the outcome of such proceedings.



W.P.No2623 of 2024

WEB COPY

10. Further, it is brought to the notice of this Court that though a Special Leave Petition has been filed, no order of stay has been granted. In the absence of any stay in the Special Leave Petition, the order passed by the Division Bench remains operative and any action taken in contravention to the said order cannot be sustained. Therefore, this Court is of the considered opinion that the promotion granted to the 4th respondent during the pendency of the dispute relating to seniority, is not sustainable and liable to be set aside.

11. Accordingly, the Writ Petition is allowed and the impugned order passed by the 1st respondent is hereby set aside. However, liberty is granted to the 4th respondent to work out the remedy after disposal of the Special Leave Petition. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stands closed and the vacate stay petition in W.M.P.No.8778 of 2024 shall stand dismissed.

15.12.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



W.P.No2623 of 2024

To
WEB COPY

1.The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Velachery Main Road,
Guindy,
Chennai-600 032.



WEB COPY



W.P.No2623 of 2024

M.DHANDAPANI, J

Nhs

W.P.No.2623 of 2024
W.M.P.Nos.2879, 2880 & 8778 of 2024

15.12.2025