



W.P.No.4090 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 31.01.2025

Delivered on 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.4090 of 2020

and

W.M.P.No.4849 of 2020

- 1.P.Mahendran
- 2.P.Kamaraj
- 3.V.Sakthivel
- 4.M.Kumar
- 5.M.Muthusamy
- 6.P.Vadivel
- 7.R.Sivakumar
- 8.ASrinivasan
- 9.V.Murugan
- 10.R.Munirathnam
- 11.M.Anandan

...Petitioners

-Vs-

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests
and Head of the Forest Department,
Chennai – 600 015.
- 3.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.



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4.The District Forest Officer,
Dharmapuri Forest Division, Dharmapuri.

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Orders in (1) Na. Ka.No.2565/2019-1/Th.1 dated 26.11.2019 (2) Na. Ka. No. 2565 / 2019-2/ Th.1 dated 26.11.2019 (3) Na. Ka. No. 2565 / 2019-3/ Th.1 dated 26.11.2019 (4) Na. Ka. No. 2565 / 2019-4/ Th.1 dated 26.11.2019 (5) Na. Ka. No. 2565 / 2019-5/ Th.1 dated 26.11.2019 (6) Na. Ka. No. 2565 / 2019-6/ Th.1 dated 26.11.2019 (7) Na. Ka. No. 2565 / 2019-7/ Th.1 dated 26.11.2019 (8) Na. Ka. No. 2565 / 2019-8/ Th.1 dated 26.11.2019 (9) Na. Ka. No. 2565 / 2019-9/ Th.1 dated 26.11.2019 (10) Na. Ka. No. 2565 / 2019-10/ Th.1 dated 26.11.2019 (11) Na. Ka. No. 2565 / 2019-11/ Th.1 dated 26.11.2019 passed by the 4th respondent, quash the same and issue consequential direction to the 2nd respondent herein to include the names of the petitioners in the appropriate place commensurate with their dates of entry into service, in the State-wide seniority List of Anti-Poaching Watchers as on 01.01.2019 prepared and issued by the 2nd respondent and grant the benefit of regularisation of their service, placement in regular time scale of pay and other service benefits and pass such further orders.

For Petitioners : Mr.R.Thamaraiselvan

For Respondents : Mr.S.Rajesh,
Government Advocate



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ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Orders in (1) Na. Ka.No.2565/2019-1/Th.1 dated 26.11.2019 (2) Na.Ka.No.2565/2019-2/Th.1 dated 26.11.2019 (3) Na.Ka.No.2565/2019-3/Th.1 dated 26.11.2019 (4) Na.Ka.No.2565/2019-4/Th.1 dated 26.11.2019 (5) Na.Ka.No.2565/2019-5/Th.1 dated 26.11.2019 (6) Na.Ka.No.2565/2019-6/Th.1 dated 26.11.2019 (7) Na.Ka.No.2565/2019-7/Th.1 dated 26.11.2019 (8) Na.Ka.No.2565/2019-8/Th.1 dated 26.11.2019 (9) Na.Ka.No.2565/2019-9/Th.1 dated 26.11.2019 (10) Na.Ka.No.2565/2019-10/Th.1 dated 26.11.2019 (11) Na.Ka.No.2565/2019-11/Th.1 dated 26.11.2019 passed by the 4th respondent, quash the same and issue consequential directions to the 2nd respondent herein to include the names of the petitioners in the appropriate place commensurate with their dates of entry into service in the State-wide seniority List of Anti-Poaching Watchers as on 01.01.2019 prepared and issued by the 2nd respondent and grant the benefit of regularisation of their service, placement in the regular time scale of pay, and other service benefits.



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WEB COPY 2. The case of the petitioners is that they have been engaged in the Forest Department from 01.01.2012 and August 2016, respectively, till date as an Anti-Poaching Watchers in Hogenakkal, Pennagaram, and Palacode Forest Ranges to protect the forest wealth in the notified Reserve Forests belonging to the Government and to prevent the hunting of wild animals in the Reserve Forests area by outsiders and to assist the Foresters, Forest Guard, and Forest Workers in various Forest Ranges in Dharmapuri Division and also to assist them in different Centrally Sponsored Wildlife Schemes and State Schemes. In the entire State, there are more than 1000 Anti-Poaching workers. The petitioners are being paid consolidated monthly pay of Rs.4,750/- only as against Rs.6,750/- p.m. from the financial year 2013-2014 as archived in G.O.Ms.No.146, Environment and Forest (FR2) Department, dated 26.09.2013.

3. The grievance of the petitioners is that though they have put in such longer years of service, i.e., from 3 to 9 years, respectively, they are still being paid only consolidated monthly pay till date without any security of tenure of service.



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WEB COPY 4. It is relevant to mention here that, formerly, there were posts of Plot

Watchers and Social Forestry Workers in the Forest Department who were employed in connection with several Social Forestry Projects and to maintain the plantations and who were working on a daily wage basis. In order to regularise their services, the Government issued G.O.Ms.No.64, Environment and Forest (FR.2) Department, dated 08.03.1999, for the preparation of a State wide seniority list of Plot Watchers and Social Forestry Workers by the Head of the Department and on the basis of seniority in such a list, appointments may be given to the posts of Forest Watchers and malis to such of those Plot Watchers and Social Forestry Workers who know to read and write in tamil, by granting relaxation of rules relating to method of appointment, age, etc. wherever necessary, in the existing vacancies or vacancies that would arise in future.

5. At this juncture, the Government issued G.O.Ms.No.22 P&AR Department, dated 28.02.2006, that the services of employees serving on a daily wage basis in various Departments who have rendered 10 years of service may be regularised by granting necessary relaxation. The Service Association of Plot workers and Social Forestry Workers filed



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W.P.No.20638 of 2018 on the file of this Court, to regularise the services of

Plot Watchers and Social Forestry Workers on the basis of this G.O. and this Court, by order dated 25.08.2008, passed directions to the Government to pass orders on the proposals of Principal Chief Conservator of Forests dated 30.01.2008 in this regard and pass orders in the light of G.O.Ms.No.22, P&AR Department dated 28.02.2006. The Head of the Department had sent that out of those 5497 persons included in the State Wide Seniority List, there were still 3058 persons to be given regularisation benefit.

6. In the above circumstances, the Government issued G.O.Ms.No.95, Environment & Forest Department, dated 07.08.2009, directing the regularisation of services of Plot workers and Social Forestry Workers in the state wide seniority List who had rendered two years of service or more among the above 3058 person supernumerary posts of 'Plot Watcher' in the scale by Rs.2,500/- to Rs.5,000/- Grade pay of Rs.500 with effect from the date of this G.O.

7. Those who have not completed 10 years of continuous service preferred Writ Petitions against the stipulation of 10 years of service and by a



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common order dated 29.04.2011 in W.A.No.887 of 2010 and W.P.No.9750

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of 2010. The Division Bench of this Court issued directions not to insist on the stipulation of 10 years of continuous service and issued directions to regularise the services of all the remaining 3058 persons in the State Wide Seniority List and this has been implemented. Likewise, the 2nd respondent herein has also prepared a Provisional State Level Seniority List of 1119 Anti-Poaching Watchers as on 01.01.2019, in which the petitioners names have been omitted from being included in the said list.

8. In the above circumstances, the petitioners herein submitted a representation dated 02.08.2019 to the respondents herein requesting them to include the names of the petitioners herein in the State level Seniority List of Anti-Poaching Watchers as on 01.01.2019 prepared by the 2nd respondent herein, as was done in the case of the similarly placed Anti-Poaching Watchers who are juniors to them. This has not evoked any response.

9. Hence the petitioners filed a Writ petition in W.P.No.26393 of 2019 on the file of this Court to issue a Writ of Mandamus directing the respondents herein to include the names of the petitioners in the State Level Seniority List of Anti-Poaching Watchers as on 01.01.2019 was done in the

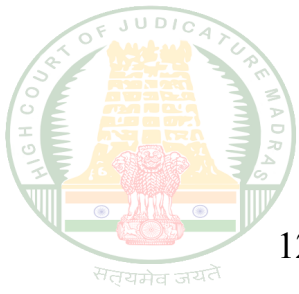


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case of similarly placed Anti-Poaching Watchers who were included in the said List and grant the benefits of regularisation of services/regular employment by considering their representation dated 02.08.2019 and pass orders thereon within a limited time frame.

10. This Court, by its order dated 06.09.2019, passed an order directing that Respondents herein to consider the Petitioners' representation dated 2.8.2019 if not disposed of already within a period of 12 weeks from the date of receipt of a copy of this order. Thereupon, the 4th respondent herein issued common impugned orders dated 26.11.2019 to all the petitioners herein, rejecting their claim in their representation dated 02.08.2019. Aggrieved by the same, the petitioners have come up with the present writ petition.

11. Learned counsel appearing for the petitioner submits that the impugned orders dated 26.11.2019 were passed by the 4th respondent, who is not the competent authority to order inclusion of names in the State-wide Seniority List as on 01.01.2019 for Anti-Poaching Watchers. The 2nd Respondent herein alone is the competent authority to prepare and issue the State-wide Seniority List.

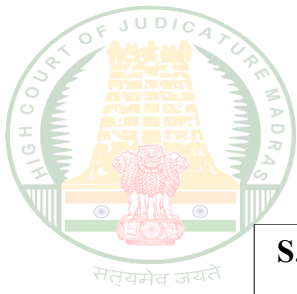


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12. It is submitted that the reasons stated for rejecting the legitimate claims of the petitioners are non-existent, false, and baseless and biased, besides being tainted with total non-application of mind on the part of the 4th Respondent herein, and hence the impugned orders passed by him are liable to be set aside.

13. It is further submitted that as far as the first reason, namely, that the petitioners had not served as Anti-Poaching Watcher on crucial date, i.e., 31.12.2018, the said reason is false and baseless. A test check of persons 1 to 200 included in the statewide seniority list as on 01.01.2019 reveals that the following persons who were in service on 31.12.2018 have been included in the list.

S.No.in the list	Name	Served Till
11.	S.Murugesan	31.12.2015
12.	M.Alagar	31.12.2015
17.	T.Selvaraj	31.12.2015
33.	A.Babu	30.04.2014 (Not in service now)
34.	E.Panneerselvam	31.12.2015
58.	R.Murugesan	31.08.2018
89.	P.Ganesan	12.07.2018 (Expired)
106.	M.Dhuruvan	31.03.2016
126.	R.Ramesh	31.12.2015
127.	L.Vijayan	31.12.2015



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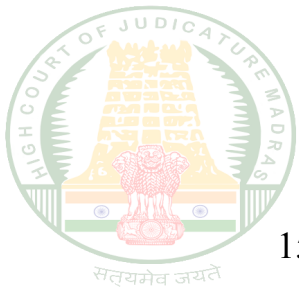
S.No.in the list	Name	Served Till
128.	R.Kumar	31.12.2015
155.	S.Vinayagam	31.12.2015
164.	V.Muruganandham	31.12.2015

The list is not exhaustive. There are many more such persons. Hence this reason is false and baseless.

14. Another reason is that the petitioners have served under contractors. In this regard, on perusal of the list from S.Nos.1 to 200, it is revealed that the following persons are working under the Contractors:

S.No. in the list	Name
13.	J.Anburaj
14.	S.Joseph
15.	P.Raman
77.	P.Mariyappan
83.	K.Sathiskumar
89.	P.Ganesan
106.	M.Dhuruvan
113.	P.Veluchamy
115.	R.Ravi
160.	M.Tirupathi

Hence the second reason is also false.



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15. It is pertinent to mention here that even individuals who had expired or ceased attending work or were no longer in service now or as on 31.12.2018 have been included in the state list.

16. That apart, while individuals who are far juniors to the petitioners herein have rendered service of one month to five months in Dharmapuri Division have been included in the list. For Example, Sl.Nos.1067, 1075, 1076, 1081, 1060, 1063, 1091, 1085 to 1088, but the petitioners herein, who have been rendering services for more than 3 to 9 years in Dharmapuri Division / Circle have been denied inclusion of their names in the said list for non-existence, untenable, and unjustifiable reasons, but on extraneous considerations.

17. It is further submitted that, as far as the first reason is concerned, i.e., that the petitioners were not in service as on 31.12.2018, which is false, the 4th respondent ought to have seen that many persons who were not in service on 31.12.2018 have been included in the list of 1119 persons and even persons who died or are not in service now and who had left service on their own long ago have been included in the list, and therefore this reason is



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unsustainable. Similarly, the second reason that the petitioners are working under contractors is also false, and the list reveals that many persons who are now working under contractors and who receive payments through Contractors have been included in the list, and hence this reason is also false.

18. In passing the impugned orders, the 4th respondent failed to consider that, as in the Attendance Registers maintained by the Department in the respective Rangers, Weekly reports submitted by Forest Range Officers, the names of the petitioners find place. The 4th respondent further failed to consider that all the petitioners have been issued Identity Cards by the concerned Forest Range Officers in proof of their service as Anti-Poaching Watchers and failed to afford opportunity to the petitioners to file documents to prove their service in the Department from the year 2012 onwards, notwithstanding the fact that the records will be available in the Range Offices themselves.

19. It is further submitted that while the names of petitioners' far junior individuals in the Dharmapuri Division, who have rendered service ranging from one month to six months, have been included in the list, the 4th



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respondent has failed to consider the claims of the petitioners, who have rendered more than 3 to 9 years of service respectively, and are in a much better footing for being considered for regularisation. Thus, the act of 4th Respondent in not considering the legitimate claim of the Petitioners herein to include them in State-wide Seniority List is nothing but discriminatory in nature.

20. Learned counsel appearing for the petitioner drew the attention of this Court to the following letters:

- a) Letter sent by the Forest Range Officer, Pennagaram Forest Division, Pennagarm, vide Na.Ka.No.29/2024 dated 07.05.2024, to the District Forest Officer, Dharmapuri Forest Division, Dharmapuri.
- b) Letter sent by the Forest Range Officer, Hogenakkal, Forest Division, Hogenakkal to the District Forest Officer, Dharmapuri Forest Division, Dharmapuri.
- c) Letter sent by the Forest Range Officer, Palacode Forest Division, Palacode, vide Na.Ka.No.74/2024 dated 13.05.2024, to the District Forest Officer, Dharmapuri Forest Division, Dharmapuri.



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21. In addition to that, the learned counsel placed reliance on the order passed by this Court in the case of **J.Johnson Thanga Blessing Vs. The State of Tamil Nadu, Rep. by its Additional Chief Secretary to Government, Environment and Forest Department, Secretariat, Chennai and 3 others** in **W.P.(MD)No.2496 of 2022** dated 29.10.2024.

22. A counter affidavit was filed by the 4th respondent dated 09.01.2025.

23. Learned Government Advocate appearing for the respondents would submit that the petitioners have already filed the writ petition before this Court in W.P.No.26393 of 2019 and W.M.P.No.25753 of 2019 with a prayer to direct the respondents to include the name of the petitioners in the State Wide Seniority List of Anti-Poaching Watchers as on 01.01.2019 and grant the benefits of regularisation of services / regular employment by considering representation dated 02.08.2019.

24. It is further submitted that the averments made by the petitioners as they were working as Anti-Poaching watchers are false and baseless. The petitioners have not worked as Anti-Poaching Watchers in any Forest Ranges

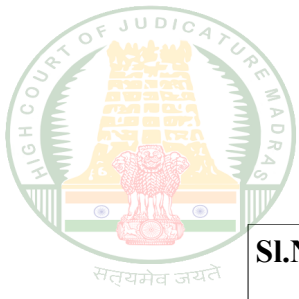


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in this division. For the seasonal period the petitioners are engaged as “Red Sandar Watcher”. Fire Watchers through outsourcing process on a daily wage basis. But they have not been appointed as Anti-Poaching Watcher at any period. Further, there is no record maintained for the engagement of Red Sandar watchers. The daily wage payments are made directly to the contractors only on the basis of the list of daily wagers furnished by the forest authorised contractors. Inasmuch as the petitioners are not engaged as Anti-Poaching Watchers in the Forest Division, the request for inclusion of their names in the statewide seniority list is not feasible for consideration.

25. It is further submitted that the writ petitioners, as detailed below, have already been informed, and the request to include their names in the statewide seniority list as on 01.01.2019 has also been rejected.

Sl.No.	Name of the petitioner	Ref.No. in which informed	Date of acknowledgement for having received the letter
1.	P.Mahendran	Ref.No.2565/2019-1/Th1 dated 26.11.2019	09.12.2019
2.	P.Kamaraj		07.12.2019
3.	V.Sakthivel		05.12.2019
4.	M.Kumar		26.11.2019
5.	M.Muthusamy		26.11.2019
6.	P.Vadivel		09.12.2019
7.	R.Sivakumar		15.12.2019
8.	A.Srinivasan		26.11.2019



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Sl.No.	Name of the petitioner	Ref.No. in which informed	Date of acknowledgement for having received the letter
9.	V.Murugan		07.12.2019
10.	R.Munirathinam		05.12.2019
11.	M.Anandan		05.12.2019

26. It is further submitted that no such petitioners have been engaged through employment exchange and without reference by the employment or through open competitive process. The benefit of regularisation of service involving only through employment exchange candidates or open competitive process candidates. Hence the need for regularisation of the petitioners' service and for inclusion of their names in the statewide seniority list does not arise. The request of the petitioners cannot be considered for regularisation as they were not engaged as an Anti-Poaching Watchers in this Forest division.

27. Learned Government Advocate has also submitted written instructions of the District Forest Officer, Dharmapuri Forest Division, Dharmapuri, vide Na.Ka.No.2565/2019/Pa3 dated 30.01.2025, wherein it is stated that the 10th petitioner, viz., Thiru.R.Munirathnam worked for August 2018 (one month) and the 11th petitioner, viz., Thiru.M.Anandan worked from April 2018 to August 2018 (5 months) respectively.



28. Heard both sides and perused the materials available on record.

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29. In the present case, it as an admitted fact that the petitioners have been working as Anti-Poaching Watchers for the past 10 years, and it is pertinent to mention the letters given by the Forest Range Officer, which are extracted hereunder:

தமிழ்நாடு வனத்துறை

அனுப்புதல்

R. செந்தில் குமார்,
வனச் சரக அலுவலர்,
பென்னாகரம் வனச் சரகம்,
பென்னாகரம்.

பெறுதல்

மாவட்ட வன அலுவலர்,
தருமபுரி வனக் கோட்டம்,
தருமபுரி

ந.க.எண்.29 / 2024, நாள் : 07.05.2024.

அய்யா,

பொருள் : வனம் - பென்னாகரம் வனச் சரகம் - தினக்கூலி அடிப்படையில் ஒப்பந்ததாரர்கள் மூலம் பணம் பட்டுவாடா செய்து 10 ஆண்டுகள் பணிமுடித்த பணியாளர்கள் விவரம் - சமர்ப்பித்தல் - தொடர்பாக.

பார்வை : மாவட்ட வன அலுவலர், தருமபுரி வனக் கோட்டம், தருமபுரி அலுவலரின் தொலைபேசி தகவல், நாள் : 01.02.2024

பென்னாகரம் வனச்சரகத்திற்குட்பட்ட தினக்கூலி அடிப்படையில் ஒப்பந்ததாரர்கள் மூலம் பணம் பட்டுவாடா செய்யப்பட்டு வேட்டைத்தடுப்பு பாதுகாப்பு பணிகள், மற்றும் ஒட்டுநர் பணியாளர்களாக 10 ஆண்டுகளுக்கு மேலாக கீழே பட்டியலில் கண்டுள்ள பணியாளர்கள் பணிபுரிந்து வருகின்றனர். இவர்கள் வனப்பகுதியிலிருந்து வெளியே வரும் யானைகளை பாதுகாப்பாக வனப்பகுதிக்குள் அனுப்பும் பணியில் தங்களது உயிரை பணயம் வைத்து பணிபுரிந்து வருகின்றனர். ஆதலால் கீழ்க்கண்ட தினக்கூலி பணியாளர்களை நிரந்தர பணியாளர்களாக பணியமர்த்த ஆவன செய்யுமாறு பணிவுடன் கேட்டுக்கொள்கிறேன்.

வ. எண்.	பெயர் திருவாளர்கள்	பணிமில் சேர்ந்த ஆண்டு	பதவியின் நிலை	முடிவுற்ற ஆண்டு	சரகம்/ கோட்டம்
1	R. சிவக்குமார்	செப்டம்பர் 2013	வேட்டைத்தடுப்பு காவலர்	10	பென்னாகரம்/தருமபுரி
2	M. குமார்	செப்டம்பர் 2013	வேட்டைத்தடுப்பு காவலர்	10	பென்னாகரம்/தருமபுரி
3	V. சக்திவேல்	செப்டம்பர் 2013	வேட்டைத்தடுப்பு காவலர் மற்றும் ஒட்டுநர்.	10	பென்னாகரம் & ஒகேனக்கல/தருமபுரி.

தங்கள் உண்மையுள்ள,
07.05.2024
வனச்சரக அலுவலர், 07.05.2024
பென்னாகரம் வனச்சரகம்,
பென்னாகரம்.



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தமிழ்நாடு வனத்துறை

அனுப்புதல்

பெறுதல்

R. செந்தில் குமார்,
வனச் சரக அலுவலர், (ந/பொ.)
ஒகேனக்கல் வனச் சரகம்,
ஒகேனக்கல்.

மாவட்ட வன அலுவலர்,
தருமபுரி வனக் கோட்டம்,
தருமபுரி

அய்யா,

பொருள் : வனம் - ஒகேனக்கல் வனச் சரகம் - தினக்கூலி அடிப்படையில்
ஒப்பந்ததாரர்கள் மூலம் பணம் பட்டுவாடா செய்து 10 ஆண்டுகள்
பணிமுடித்த பணியாளர்கள் விவரம் - சமர்ப்பித்தல் - தொடர்பாக.

பார்வை : மாவட்ட வன அலுவலர், தருமபுரி வனக் கோட்டம், தருமபுரி
அவர்களின் தொலைபேசி தகவல், நாள் : 01.02.2024

ஒகேனக்கல் வனச்சரகத்திற்குட்பட்ட தினக்கூலி அடிப்படையில் ஒப்பந்ததாரர்கள்
மூலம் பணம்பட்டுவாடா செய்யப்பட்டு வேட்டைத்தடுப்பு பாதுகாப்பு பணிகள், மற்றும் ஒகேனக்கல்
முதலைகள் பராமரிப்பு காவலராகவும் 10 ஆண்டுகளுக்கு மேலாக கீழே பட்டியலில் கண்டுள்ள
பணியாளர்கள் பணிபுரிந்து வருகின்றனர். இவர்கள் வனப்பகுதியிலிருந்து வெளியே வரும்
யானைகளை பாதுகாப்பாக வனப்பகுதிக்குள் அனுப்பும் பணி மற்றும் முதலைகள் மறுவாழ்வு மைய
பராமரிப்பு பணிகளையும் தங்களது உயிரை பணயம் வைத்து பணிபுரிந்து வருகின்றனர்.
ஆதலால் கீழ்க்கண்ட தினக்கூலி பணியாளர்களை நிரந்தர பணியாளர்களாக பணியமர்த்த ஆவன
செய்யுமாறு பணிவுடன் கேட்டுக்கொள்கிறேன்.

வ. எண்.	பெயர் திருவாளர்கள்	பணியில் சேர்ந்த ஆண்டு	பதவியின் நிலை	முடிவுற்ற ஆண்டு	சரகம் கோட்டம் /
1	P. மகேந்திரன்	செப்டம்பர் 2013	வேட்டைத்தடுப்பு காவலர்	10	ஒகேனக்கல் / தருமபுரி.

தங்கள் உண்மையுள்ள
08.02.2024
வனச்சரக அலுவலர்,
ஒகேனக்கல் வனச்சரகம்,
ஒகேனக்கல்.



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3

தமிழ்நாடு வனத்துறை

அனுப்புநர்

முனைவர்.பெ. நடராஜன்,
வனச்சரக அலுவலர்,
பாலக்கோடு வனச்சரகம்,
பாலக்கோடு.

பெறுநர்

மாவட்ட வன அலுவலர்,
தருமபுரி வனக்கோட்டம்,
தருமபுரி.

ந.க.எண்.74/2024 நாள்:13-05-2024

அப்பா,

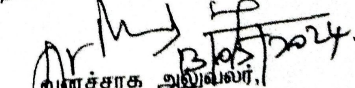
பொருள் : வனம் - பாலக்கோடு வனச்சரகம் - தினக்கூலி அடிப்படையில்
ஒப்பந்தாரர்கள் மூலம் பணம்பட்டுவாடா செய்து 10 ஆண்டுகள்
பணிமுடித்த பணியாளர்கள் விபரம்- சமர்ப்பித்தல் - தொடர்பாக.

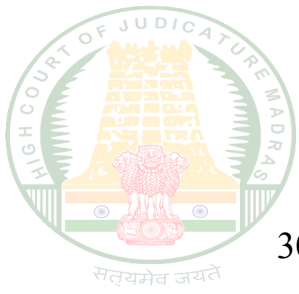
பார்வை : மாவட்ட வன அலுவலர், தருமபுரி அவர்களின் தொலைபேசி தகவல்
பெறப்பட்ட நாள்.01.02.2024.

பாலக்கோடு வனச்சரகத்திற்குட்பட்ட தினக்கூலி அடிப்படையில் ஒப்பந்ததாரர்கள்
மூலம் பணம்பட்டுவாடா செய்யப்பட்டு வேட்டை தடுப்பு பாதுகாப்பு பணிகளிலும், 10
ஆண்டுகளுக்கு மேலாக பணிபுரிந்து வருகின்றனர். இவர்கள் யானைவிரட்டும் பணியில்
தங்களது உயிரை பணையம் வைத்து பணிபுரிந்து வருகின்றனர். ஆதலால் கீழ்க்கண்ட
தினக்கூலி பணியாளர்களை நிரந்தர பணியாளர்களாக பணியமர்த்த ஆவணம் செய்யுமாறு
பணிவுடன் கேட்டுக்கொள்கிறேன்.

வ. எண்	திருவாளர்களின் பெயர்கள்	பணியில் சேர்ந்த ஆண்டு	பதவியின் நிலை	முடிவற்ற ஆண்டு	சரகம்/ கோட்டம்
1.	A.சீனிவாசன்	மே-2013	வேட்டை தடுப்பு காவலர்	10	பாலக்கோடு/தருமபுரி
2	V.முருகன்	மே-2013	வேட்டை தடுப்பு காவலர்	10	பாலக்கோடு/தருமபுரி
3	P.வடிவேல்	மே-2013	வேட்டை தடுப்பு காவலர்	10	பாலக்கோடு/தருமபுரி
4.	P.காமராஜ்	மே-2013	வேட்டை தடுப்பு காவலர்	10	பாலக்கோடு/தருமபுரி

தங்கள் உண்மையுள்ள,


வனச்சரக அலுவலர்,
பாலக்கோடு வனச்சரகம்,
பாலக்கோடு.



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30. From the above letters issued by the concerned Forest Range Officers, it is crystal clear and evident that the petitioners have completed 7 years of service as on date of filing of the writ petition and as on date they completed 10 years of service.

31. It is pertinent to note the written instruction from the District Forest Officer, Dharmapuri Forest Division, Dharamapuri, vide Na.Ka.No.2565/2018/Pa3 dated 30.01.2025, wherein it is stated that the 10th petitioner, viz., Thiru.R.Munirathnam worked for August 2018 (one month) and the 11th petitioner, viz., Thiru.M.Anandan worked from April 2018 to August 2018 (5 months) respectively.

32. The order relied on by the learned counsel for the petitioner in the case of **J.Johnson Thanga Blessing Vs. The State of Tamil Nadu, Rep. by its Additional Chief Secretary to Government, Environment and Forest Department, Secretariat, Chennai and 3 others in W.P.(MD)No.2496 of 2022** dated 29.10.2024, wherein this Court held as follows:

“Therefore, 134 Anti-Poaching Watchers including the petitioner filed writ petition in W.P.Nos.10654 and 9764 of 2014 to regularize the service in the post of Anti-Poaching Watcher in Special Time Scale of pay by extending the benefit of G.O.Ms.No.76, Environment and Forest Department, dated



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07.06.2010, in the light of the order passed by a Division Bench of this Court in W.A.(MD)No.887 of 2010 dated 29.04.2011. This Court, by order dated 15.04.2014, had passed the following directions:

“15. In view of all the above, both the writ petitions are disposed of with the following directions:-

(i) The Government shall issue order creating supernumerary posts of Anti-Poaching Watchers to appoint those Anti-Poaching Watchers working in the Tamil Nadu Forest Department and those who have completed 10 years of service or less as the Government may deem fit, as on today;

(ii) The Government shall issue appropriate Rule governing the post of Plot Watchers and AntiPoaching Watchers or include these two posts in the Tamil Nadu Forest Subordinate Service Rules so as to regulate the appointment of the Plot Watchers and Anti-Poaching Watchers in order to avoid back door entry;

(iii) The Government shall consider to take a policy decision to amend the Tamil Nadu Forest Subordinate Service Rules, so as to make the Anti-Poaching Watchers working as against the supernumerary posts eligible for recruitment as Forest Watchers under the Tamil Nadu Subordinate Service Rules as it has been done in favour of the Social Forest Workers and Plot Watchers;

(iv) It is further directed that the Government shall take all necessary steps to ensure that there is no back door entry into these posts namely Social Forest Workers, Plot Watchers and Anti-Poaching Watchers without following the method of appointment to be prescribed by the Rules and

(v) In any event, the Government shall comply with this order within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

Against the above said order, the respondent Department filed an appeal in WA.No.354 & 355 of 2016 and the same was partly allowed with following direction by an order dated 05.04.2018. The relevant paragraph No.13, reads as under:-

“13. In that view of the matter, instead of keeping the matter pending over the months, we take a decision that as per the undertaking to the effect that in the case of those remaining either already approached or not approached the



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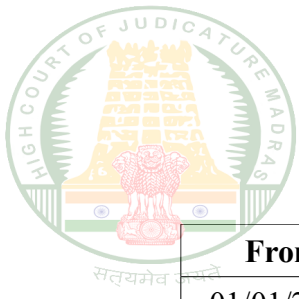


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court, their cases shall be considered uniformly at regular intervals. Further, as and when such persons, who have completed the 10 years of service excluding the break-in-service, as per the direction issued by this Court, shall make a calculation on their own and shall furnish their particulars as to the date of joining of service, break in service to be included or excluded and the actual date of completion of 10 years etc. to the Department. On furnishing of such particulars, the same shall be verified by the department after getting necessary clarifications from the individual, if required and on subject to satisfaction by the department, their cases shall be considered at regular intervals”.

33. On perusal of the provisional state level seniority list of Anti-Poaching Watchers as on 01.01.2019, published by the 2nd respondent it is seen that who are far juniors to the petitioners herein have rendered service of one month to five months in Dharmapuri Division have been included in the list. For Example, Sl.Nos.1067, 1075, 1076, 1081, 1060, 1063, 1091 and 1085 to 1088, but the petitioners herein, who have been rendering services for more than 3 to 9 years in Dharmapuri Division / Circle have been denied inclusion of their names in the said list.

34. Furthermore, it is to be noted from the typed set of papers filed by the petitioners on page No.19, wherein the bio-data of the 5th petitioner, viz., Thiru.M.Muthusamy, mentioned the details of service rendered from the date or joining to till date, which reads as follows:



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From	To	Place were served	Wages rate paid
01/01/2012	Till the date	Pennagaram Range Dharmapuri Division	Rs.4750/- per month

35. The above mentioned bio-data particular is not attested by the Forest Range Officer of the Pennagaram Forest Range hence the same cannot be relied on by this Court. There is no material document to substantiate that the 5th petitioner, viz., Thiru.M.Muthusamy, worked as an Anti-Poaching Watcher in Pennagaram Forest Range, Dharmapuri Forest Division, Dharmapuri, and he is not entitled for inclusion of his name in the statewide seniority list of Anti-Poaching as on 01.01.2019 issued by the 2nd respondent.

36. It is crystal clear and evident that the petitioners 1 to 4 and petitioners 6 to 9 have completed 10 years of service as Anti-Poaching Watchers as per the letters of the Forest Range Officers, Pennagaram, Hogenakkal and Palacode Forest Ranges dated 07.05.2024 and 13.05.2024, respectively.

37. In view of the above facts and circumstances of the case, the 5th petitioners namely, the 5th petitioner (Thiru.M.Muthusamy), 10th petitioner (Thiru.R.Munirathnam) and 11th petitioner



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(Thiru.M.Anandan) are not entitled for inclusion of their names in the statewide seniority list of Anti-Poaching as on 01.01.2019 issued by the 2nd respondent. The petitioners 1 to 4 and 6 to 9, are only entitled for inclusion of their names in the statewide seniority list of Anti-Poaching as on 01.01.2019 issued by the 2nd respondent. The impugned orders passed by the 4th respondent vide (1) Na.Ka.No.2565/2019-1/Th.1 dated 26.11.2019 (2) Na.Ka.No.2565/2019-2/Th.1 dated 26.11.2019 (3) Na.Ka.No.2565/2019-3/Th.1 dated 26.11.2019 (4) Na.Ka.No.2565/2019-4/Th.1 dated 26.11.2019 (5) Na.Ka.No.2565/2019-5/ Th.1 dated 26.11.2019 (6) Na.Ka.No.2565/2019-6/Th.1 dated 26.11.2019 (7) Na.Ka.No.2565/2019-7/Th.1 dated 26.11.2019 (8) Na.Ka.No.2565/2019-8/Th.1 dated 26.11.2019 (9) Na.Ka.No.2565/2019-9/Th.1 dated 26.11.2019 (10) Na.Ka.No.2565/2019-10/Th.1 dated 26.11.2019 (11) Na.Ka.No.2565/2019-11/Th.1 dated 26.11.2019 are liable to be quashed accordingly the same are hereby quashed in so far as the petitioners 1 to 4 and petitioners 6 to 9 and in regard to the 5th petitioner, 10th petitioner and the 11th petitioner the same is confirmed.

38. The second respondent is directed to include the names of the



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petitioners except the 5th petitioner, viz., Thiru.M.Muthusamy, 10th petitioner, viz., Thiru.R.Munirathnam and 11th petitioner, viz., Thiru.M.Anandan, in the appropriate place commensurate with their dates of entry into service in the statewide seniority list of Anti-Poaching Watchers as on 01.01.2019 prepared by the 2nd respondent and grant the benefit or regularisation of their service, placement in the regular time scale of pay, and other service benefits within a period of three months from the date of receipt of a copy of this order, and the 2nd respondent shall also consider the 5th petitioner, 10th petitioner and the 11th petitioner, for inclusion of their names in the statewide seniority list of Anti-Poaching as on 01.01.2019 issued by the 2nd respondent if the record of their service is found available in the respondents office.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2025

cda

Index : Yes

Speaking Order : Yes

Neutral Citation : Yes

J.SATHYA NARAYANA PRASAD, J.



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cda

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests
and Head of the Forest Department,
Chennai – 600 015.
- 3.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.
- 4.The District Forest Officer,
Dharmapuri Forest Division, Dharmapuri.

Order in
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27.03.2025