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W.A.No.648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.648 of 2025

and

C.M.P.No.5286 of 2025

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

2.The Principal Chief Conservator of Forests,
(Head of Department)
Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.

3.The Additional Principal Chief Conservator of Forests,
(Administration)
Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.

4.The Conservator of Forests,
Dharmapuri Circle,
Dharmapuri.

... Appellants

Vs.

T.Bakthavatchalam

... Respondents



W.A.No.648 of 2022

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 21.02.2024 made in W.P.No.12292 of 2021 and allow this Writ Appeal.

For Appellants : Mr.C.Selvaraj,
Additional Government Pleader
For Respondent : Mr.S.Nedunchezhiyan

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The respondent who was working as Deputy Conservator of Forests had served in the said post for nearly 20 years and he was promoted to the higher post as Assistant Conservator of Forests some time in 2009. While he was promoted he had rendered 20 years of service in the lower post.

2. The Government had issued G.O.Ms.No.210, dated 11.03.1987 to redress the grievance of the employees who have been stagnated at the lower posts for a long period, which results in their salary in promoted post being the same as they were drawing in the lower post, by virtue of there being conferred Selection Grade / Special Grade. In order to address such contingency, the Government by the said Government Order dated 11.03.1987 permitted the service rendered in the lower post to be treated as service rendered in the higher post, in order to confer the post of Selection Grade in the higher post.

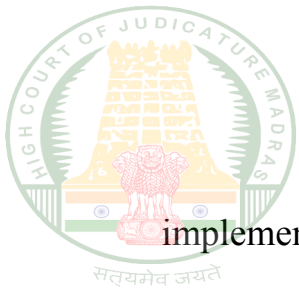


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Originally the said benefit was restricted to first promotion only. Subsequently upon clarification issued by the Government, it was extended to further promotions with a rider that it shall be one time measure in the service of the individual.

3. Therefore, upon having been promoted as Assistant Conservator of Forests after putting in 20 years of service as Deputy Conservator of Forests, the respondent was granted Selection Grade in the post of Assistant Conservator of Forests. This grant was recalled by the order impugned in the Writ Petition relying upon the clarification issued by the Government on 09.08.2011. The writ Court rightly found that a clarification issued subsequently cannot be a ground to recall the grant which has already been made in favour of the petitioner. The writ Court also concluded that the clarification dated 09.08.2011 being a letter cannot retrospectively overwrite the Government Order issued earlier. On the above conclusion, the writ Court allowed the Writ Petition quashing the order recalling re-fixation as well as recovery. Hence, this appeal.

4. Though the learned Additional Government Pleader would contend that the clarification was issued in the light of the revised pay scale that were



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implemented from 01.01.2006 and therefore it cannot apply to all persons who have been promoted after the said date. We are unable to accept the contention of the learned Additional Government Pleader. The benefits conferred by G.O.Ms.No.210 dated 11.03.1987 were in fact conferred on the respondent. It is also admitted that he had served in one post for nearly 20 years. What was sought to be addressed by G.O.Ms.No.210 dated 11.03.1987 is this stagnation. Therefore, the benefit that was conferred on the ground that the person had been stagnant in one post for more than 20 years cannot be withdrawn on the basis of the clarificatory letter issued by the Government, that too, after the benefits were conferred. The Clarificatory letter cannot be applied retrospectively to take away the benefits.

5. We therefore find no reason to interfere with the order of the writ Court. The Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
13.03.2025

dsa

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Neutral Citation : No

Speaking order

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
(Head of Department)
Panagal Maaligai,
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