



W.P.No.29155 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 20.02.2025	Pronounced on 26.02.2025
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CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.29155 of 2015
and
MP.No.1 of 2015

1.K. Eswaran (DECEASED)
S/o. Kariyappasappa Natrampalayam
Kesurajapuram Post Anchetti Via
Thenkanikottai Taluk Krishnagiri District

[PETITIONERS]

2.Girija, W/o.Eswarana

3.Vasanthakumar, S/o.Eswaran

4.Nethravathi, D/o.Eswaran

P2 to P4 are residing at
Door No.12/452, Periyamotraagi Thenkottai, Natrampalayam,
Thenkanikottai Taluk, Krishnagiri District

*(P2 to P4 are substituted as LRs of the
deceased P1 as per order dated 28.11.2024 in
WMP.No.37201/2024 in W.P.No.29155/2015)*

Vs

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1.The State of Tamil Nadu [RESPONDENTS]

Rep. by its Principal Secretary to Government
Forest Department
Fort St. George
Chennai - 9

2.The Principal Chief Conservator of Forests
Tamil Nadu
Panagal Building
Saidapet
Chennai - 15

3.The District Forest Officer
Hosur Division , Hosur
Krishnagiri District

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Letter No.4535/FR.2/2013-5, Dated 17.07.2015 and quash the same and consequently direct the 3rd respondent to absorb the petitioner as plot watcher on the regular consolidated wages.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.M.Murali (for R1 to R3)
Government Advocate



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ORDER

This Writ Petition has been filed seeking regularisation of the petitioner's service, pursuant to G.O.No.292, dated 28.10.2004 and the said request was rejected by the Government and hence, this Writ Petition.

2. According to the learned counsel for the petitioner the petitioner worked as an informer to the police during the period of apprehending the forest brigand Veerappan between 30.01.2002 and 18.10.2004. Later reward has been awarded by the Government to the Special Task Force in G.O.No.292, dated 28.10.2004. Since some of the members of the team have been given rewards, the original petitioner filed Writ petition in W.P.No.9096 of 2013 to consider his representation dated 29.01.2013 and the said Writ Petition was disposed by this Court with a direction to the first respondent therein to dispose of the representation of the petitioner dated 29.01.2013 on merits. Based on the order of this Court, representation of the petitioner was considered by the Principal Secretary to Government and rejected by letter No.4535/FR.2/2013-5, dated 17.07.2015, against which the present Writ Petition.



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3.Heard the learned counsel for the petitioner and the learned Government Advocate for Respondents 1 to 3.

4.Learned counsel for the petitioner submitted that similarly placed persons have been given with benefits of the G.O.No.292, E & F (FR2) Department dated 28.10.2004, however, the present petitioner was not given with benefits. The learned counsel further submitted that the claim of the petitioner is based on G.O.No.292, dated 28.10.2004, however, the first respondent passed the impugned order as if the petitioner is seeking regularisation in the post of Plot Watcher on the basis of full time daily wager.

5.Learned Government Advocate appearing for the respondents submitted that the petitioner has not worked regularly in the department of Forest and he worked only as a daily wager as an informer to the police and he is not governed by the rules and regulations of the forest department and further he does not fall under the eligible criteria fixed under G.O.No.292, dated 28.10.2004. In this connection, he relied upon G.O.No.74, Personal



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and administrative reforms (F) Department, dated 27.06.2013 stating that the petitioner has not completed 10 years of service as on 01.01.2006.

6.Perused the available records. The original writ petitioner along with others, aggrieved against the non implementation of G.O.No.292, E & F (FR2) Department dated 28.10.2004, filed W.P.No.28160 of 2007 to implement the said G.O, and to absorb them as Plot Watchers as a regularly basis with consolidated pay, wherein this Court, by order dated 24.08.2007 has directed the official respondents therein to consider the same and pass appropriate orders on merits within a a period of six weeks. Pursuant to that they have been appointed, however from 05.01.2009 and not from 28.10.2004. This is the main grievance of the petitioner. Even though the petitioner submitted a representation, the same was rejected by the impugned order.

7.On perusing the impugned order dated 17.07.2015 passed by the State, I find that G.O.(Ms)No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 was revised under G.O.(Ms).No.74,



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Personnel and Administrative Reforms (F) Department, dated 27.06.2013.

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In the said revised order it was observed that the services of the full time daily wagers, who were initially appointed on full time basis in consultation with the Employment Exchange to discharge the function of the post in the Tamil Nadu Basic Service and completed 10 (ten) years of service as on 01.01.2006 shall be regularised against regular vacancies. It is appears that the said G.O., was subjected to challenge before this Court and the Hon'ble Apex Court has upheld the G.O.(Ms).No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013 and hence, the representation of the petitioner was rejected by the first respondent.

8.On considering the relief sought for by the petitioner in this Writ Petition, G.O.No.292, E & F (FR2) Department dated 28.10.2004, which was subjected to modification in G.O.(Ms)No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, which was subjected to modification in G.O.(Ms).No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013 and orders of the Hon'ble Apex Court, unless the petitioner satisfies the conditions contemplated in the said



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G.Os, the petitioner is not entitled for any relief. Further the date of regularisation fixed by the official respondents is in accordance with the Government Orders, in this view of the matter, this Writ Petition is devoid of merits.

9.Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

26.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Principal Secretary to Government
Forest Department. Fort St. George
Chennai - 9

2.The Principal Chief Conservator of Forests Tamil Nadu
Panagal Building
Saidapet, Chennai - 15

3.The District Forest Officer
Hosur Division, Hosur
Krishnagiri District

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RMT.TEEKAA RAMAN, J.

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Pre-delivery Order made in
W.P.No.29155 of 2015
and
M.P.No.1 of 2015

Dated: 26.02.2025