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W.P.No.7289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2025

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.7289 of 2025 and

W.M.P.No.8109 of 2025

P.Subramanian

... Petitioner

..Vs..

1. Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment and Forests (FR.2-II) Department,
Fort St.George, Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force)
Velachery Main Road, Guindy,
Chennai - 32.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in G.O.(2D).No.68, Environment, Climate Change and Forests (FR.2-II) Department, dated 28.04.2022 and quash the same insofar as regularization of the petitioner service with effect from 08.03.1999 and further direction directing the respondents to consider the notional regularization to the petitioner as Forest Watcher with effect from 24.01.1995 instead of 08.03.1999 for purpose of getting revised pension on par with juniors same was done in similarly placed persons in G.O. (2D) No.177, Environment, Climate Change and Forests (FR.2 II) Department dated 14.11.2022 within time limit to be stipulated by this Court.



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For Petitioner	: Mr.S.Mani
For Respondents	: Mr.T.Srinivasan, Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified mandamus calling for the records in G.O.(2D).No.68, Environment, Climate Change and Forests (FR.2-II) Department, dated 28.04.2022 and quash the same insofar as regularization of the petitioner service with effect from 08.03.1999. The petitioner further seeks a direction to the respondents to consider the notional regularization of the petitioner as Forest Watcher with effect from 24.01.1995 instead of 08.03.1999 for the purpose of getting revised pension on par with juniors as was done in similarly placed persons in G.O.(2D).No.177, Environment Climate Change and Forests (FR.2 II) Department, dated 14.11.2022 within time limit to be stipulated by this Court.

2. In the affidavit filed in support of the Writ Petition, it has been stated that the Writ Petitioner had been initially appointed as Plot Watcher on daily wage basis on 05.03.1986 in the Forest Department. His services were not regularized for a number of years. Thereafter the State wise seniority list was prepared. But it was not given effect to in letter and spirit.



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It was not followed by the department in the matter of regularization of the service of the employees on daily wage basis. This resulted in juniors being regularized even before the petitioner. The petitioner was regularized only after rendering 23 years of service. It is stated that overlooking the seniority list, 425 Plot Watchers were given appointment as Forest Watchers on 24.01.1995 itself. The petitioner however got that particular benefit only on 08.03.1999. The petitioner states that he should be treated in equal terms on par with his juniors as on 24.01.1995. In this connection, the learned counsel for the petitioner placed reliance on the orders of a learned single judge of this Court in ***W.P.Nos.19373 and 19383 of 2024*** in ***A.Krishnamoorthy vs. Government of Tamil Nadu, Represented by its Additional Chief Secretary to Government, Environment, Climate Change and Forest Department, Chennai and anr.*** wherein the learned single Judge of this Court while examining a similar issue, had held as follows:

"7. As rightly pointed out by the learned counsel for the petitioners, originally, the eligibility for the cadre post of Forest Watcher was only the ability to read and write in Tamil, along with a height of 163 cms. By way of the Government Order in G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994, the minimum general education



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qualification, i.e., SSLC, was fixed for the post of Forest Watcher. After the filing of the application before the Tamil Nadu Administrative Tribunal, the Government itself cancelled the said Government Order and issued G.O. (Ms) No. 64, Environment and Forests (V2) Department, dated 08.03.1999, thereby cancelling G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994, and G.O. Ms. No. 297, Environment & Forests (FR. 2) Department, dated 28.11.1994.

8. On a perusal of the Tamil Nadu Forest Subordinate Services Rules for the category of Forest Watcher, the method of recruitment is by direct recruitment and appointment from Social Forestry Workers and Plot Watchers, with the qualification being the ability to read and write in Tamil, and physical requirements of not less than 79 cm round the chest on full expiration, a height of not less than 163 cm, and a chest expansion of not less than 5 cm on full inspiration. Accordingly, all the petitioners are qualified and eligible for the post of Forest Watchers.

9. As per seniority, their juniors were posted to the post of Forest Watchers pursuant to G.O. (Ms) No. 332, Environment and Forests (FR. VI) Department, dated 22.12.1994. After cancelling the said Government Order, the petitioners are also entitled to be posted to the post of Forest Watchers on par with their juniors. That apart, as per G.O



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(2D) No. 177, Environment, Climate Change and Forests (FR.2ii) Department, dated 14.11.2022, similarly placed persons, viz., V. Subramani and 29 others, were given notional promotion to the post of Forest Watcher from 24.01.1995.

10. In view of the above, the Government Orders in G.O.(2D) No.134, Environment, Climate Change and Forests (FR.2(ii)) Department, dated 16.06.2023 and G.O.(2D) No.01, Environment Forest (FR.2(II)) Department, dated 01.01.2021 are quashed, insofar as the regularization of the petitioners' service with effect from 24.01.1995 instead of 08.03.1999. The respondents are directed to notionally regularize the petitioners as Forest Watchers with effect from 24.01.1995, for the purpose of revised pension, on par with their juniors, as per Tamil Nadu Forest Subordinate Services Rule 5 Class-1 (4)(ii), within a period of eight weeks from the date of receipt of a copy of this order.

11. In the result, these Writ Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed. No costs."

3. The same order would apply to the Writ Petitioner also. The Government Order impugned in this Writ Petition is quashed insofar as the date of regularization of the services of the petitioner is concerned and the



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petitioner is directed to be brought into regular service on 24.01.1995 as Forest Watcher for the purpose of revised pension. The respondents are directed to notionally regularise the services of the petitioner with effect from 24.01.1995 for the purpose of revised pension on par with his juniors as per the Tamil Nadu Forest Subordinate Services Rules 5 Clause-1 (4)(ii), within a period of eight weeks from the date of receipt of a copy of this Order.

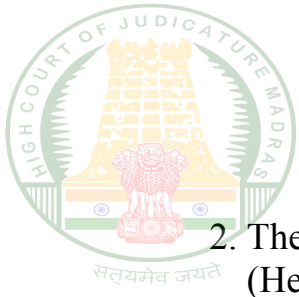
4. With the above observation, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order/Non speaking order
Neutral Citation : Yes / No

To

1. Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment and Forests (FR.2-II) Department,
Fort St.George, Chennai - 600 009.



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2. The Principal Chief Conservator of Forests,
(Head of Forest Force)

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Chennai - 32.

C.V.KARTHIKEYAN.J,

vum



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