



W.A No. 3474 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WA No. 3474 of 2025

AND CMP NO. 28408 OF 2025

1.The State Of Tamilnadu

Rep. By Its Secretary To Governemnt, Environment,
Climate Change And Forest Department, Fort St.
George, Chennai-9.

2.The Principal Chief Conservator Of Forests

Head of Forest Force, Joint Forest Management,
Velachery Main Road, Guindy, Chennai-32

..Appellants

Vs

1.M Rajagopal

S/O.Madasamy, 23/12, P.V.Naikan Street,
Plot No.6, Tiruvallikeni, Chennai-5.

2.S.Muthusamy

S/o.Sathan, No.1/201, Thiruchapur, Poiyamani Post,
Kulithalai Taluk, Karur District.

3.P.Kalimuthu S/o.Pitchai Pillai, No.1-274, Vadabagam
Village, Thiruchapur, Poiyamani Post, Kulithalai Taluk,



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Karur District.

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4.R.Periyasamy S/o.Raman, 10/31, Mettupattu Village,
Thaliyampatti Post, Krishnapuram Taluk, Karur District.

5.P.Thangavel

S/o.Pitchaikaran, 4/13/4, Shukampatti vilalge,
Krishnarayapuram Taluk, Panjapatti Post,
Karur District.

6.K.Perumal

S/o.Kathapillai, No.18, Kadavithi, Akraharam,
Krishnarayapuum Taluk, Karur District.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order
dated 21-03-2024 made in WP.No.7714 of 2024.

For Appellants : Mr.R.Neethi Perumal
Government Advocate

For Respondent : Ms.K.Jenitha

Judgment

(Judgment of the Court was delivered by V.Lakshminarayanan J.)

The present appeal arises against the order of the learned Single Judge in
W.P.No.7714 of 2024 dated 21.03.2024.



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2. The State is the appellant. For the sake of convenience, the parties shall be referred as per their ranks in the writ petition.

3. The writ petitioners had been appointed as Plot Watchers / Social Forest Workers by the Forest Department. The Government drew up statewide seniority of Social Forest Workers, with the intention of conferring them with permanent status of Forest Watchers. The petitioners were included in the list. It is their grievance that, without following the seniority list, the petitioners were brought into regular time scale as Plot Watchers. This being a non-cadre post, after obtaining relaxation, they were brought into the cadre post of Mali. The post under which the petitioners were brought was a supernumerary post. Hence, they submitted a representation to accommodate them in a regular cadre post as Forest Watchers by giving relaxation with respect to height and age as may be applicable.

4. Before the learned Single Judge, the petitioners relied upon an earlier verdict of this Court in W.P.No.23647 of 2013 dated 12.09.2014. By that order, this



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Court granted the relief prayed for. They urged that the granting relief to similarly placed persons was challenged before the Division Bench in W.A.No.2072 of 2018. A Co-ordinate Bench also confirmed the order of the learned Single Judge on 11.08.2021. The petitioners pointed out that the Government complied with the orders by issuing G.O.(2D) No.9, Environment, Climate Change and Forests (FR-II) Department dated 08.02.2022. As the petitioners were not benefitted with the order, they came forth with the present writ petition.

5. The learned Single Judge, following the orders earlier passed, allowed the writ petition, directing the respondents to consider the representation dated 26.11.2021 in the light of the order passed by this Court in W.P.No.21349 of 2023 etc., batch dated 03.08.2023. Aggrieved by the same, the present writ appeal is filed.

6. We heard Mr.R.Neethiperumal, learned Government Advocate for the appellants and Ms.K.Jenitha for the respondents.



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7. We should point out the issue raised in the writ petition is no longer *res integra*. Persons similarly situated as the petitioners had approached this Court and obtained reliefs. Similarly, several persons have approached this Court and this Court too has directed the Government to grant the benefits that have been given to other employees to such persons also as early as on 20.01.2015. while disposing the appeal by the State, a Division Bench of this Court directed that persons like the writ petitioners, who were initially appointed as Social Forestry Workers, should be granted the benefit after granting relaxation. The State had taken the matter on appeal to the Supreme Court in S.L.P.(Civil) No.12056 of 2015. The Supreme Court dismissed the SLP on 05.07.2016. Seemingly aggrieved by that order, a review petition was also presented by the State in Review Petition (Civil) No.3621 of 2016. The review petition was also dismissed by the Supreme Court on 12.01.2017.

8. By referring all these proceedings, another Division Bench rejected the appeal filed by the State in W.A.No.1838 etc., batch by order dated 11.08.2021. In



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compliance with the orders of this court, the Government also issued an order in compliance with the same. Yet again the order of the learned Single Judge following the judgment of the previous Benches is put in challenge.

9. At this juncture, we have to point out the judgment of the Supreme Court in ***State of Uttar Pradesh (vs) Arvind Kumar Shrivastava [2015 (1) SCC 347]*** wherein it was held that, the normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending the benefit. **Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India.**

10. This principle needs to be applied in service matters more emphatically as service jurisprudence postulates that, all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the court earlier, they are not to be treated



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different.

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11. Recently, the Supreme Court in **Lt.Col.Supriya Chandel (vs) Union of India [2024 SCC OnLine SC 3664]** speaking through Justice K.V.Viswanathan for himself and Justice B.R.Gavai (as his Lordship then was) in Civil Appeal No.1943 of 2022 dated 09.12.2024 held in Paragraph 14 as follows:

" It is well settled principle of law that, where a citizen is aggrieved by an action of the Government Department has approached the Court and obtained a declaration of law in his / her favour, others similarly situated ought to be extended the benefit without a need for them to go to Court (Amrit Lal Beri -vs- Collector of Central Excise, New Delhi [1974 (4) SCC 714]"

12. When the law has been so clearly settled by the Supreme Court, it is unfortunate that the appellants, repeatedly file appeals assailing the orders of the learned Single Judges, who have merely applied the declaration already made. We do not find any merit in the appeal. Once the Supreme Court confirmed the order of this Court in SLP (Civil) No.12056 of 2015 dated 05.07.2016 and Review Application



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No.3621 of 2016 dated 12.01.2017, the respondents are duty bound to extend the same benefit to all persons similarly situated. The learned Single Judge did not commit any error in following the earlier orders and granting the same relief to the petitioners.

13. The direction of the learned Single Judge shall be complied with within a period of two months from the date of receipt of a copy of this order. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (V.L.N.,J.)
04-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
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1.The Secretary To Governemnt, Environment,
Climate Change And Forest Department,
Fort St. George, Chennai-9.

2.The Principal Chief Conservator Of Forests
Head of Forest Force, Joint Forest Management,
Velachery Main Road, Guindy, Chennai-32.



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**R.SURESH KUMAR J.
AND
V.LAKSHMINARAYANAN J.**

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