



W.P.No.9440 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.9440 of 2023

1.C. Selvaraj
2.S. Vellingiri

.. Petitioners

Versus

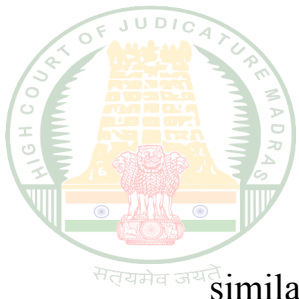
1.Government of Tamilnadu,
Rep by its Secretary,
Environment and Forest Department,
Fort ST. George, Chennai 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Jeenis Road,
Saidapet, Chennai 015.

3. The District Forest Office,
Coimbatore.

..Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to include the state wide seniority list in the category of Plot Watcher/Anti Poaching Watcher to appoint the petitioners in the cadre post of Forest Watcher after completion of 10 years of service same was done in case of



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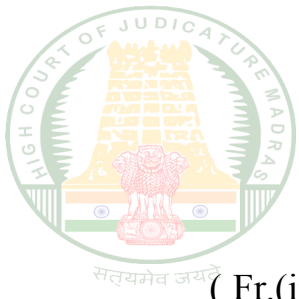
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similarly placed persons like petitioners. Government issued G.O.Ms.No.227, Environment, Climate Change and Forests (Fr.(ii) Department Dated 30.12.2022, as per order in W.P.Nos.10654 & 9764 of 2014 dated 15.04.2014 and same was affirmed by the division Bench in W.A.Nos.354 & 355 of 2016 order dated 05.04.2018 and same was followed by our Hon'ble Single Judge in W.P.No.18220 of 2020 by order dated 12.09.2022 and by considering petitioners representation dated 05.01.2023 and pass orders.

For Petitioners	: Mr.S. Mani
For Respondents	: Mr.S.Rajesh
	Government Advocate

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondents to include the state wide seniority list in the category of Plot Watcher/Anti Poaching Watcher to appoint the petitioner in the cadre post of Forest Watcher after completion of 10 years of service same was done in the case of similarly placed persons like petitioners. Government issued G.O.Ms.No.227, Environment, Climate Change and Forests



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(Fr.(ii) Department Dated 30.12.2022, as per order in W.P.Nos.10654 & 9764 of 2014 dated 15.04.2014 and same was affirmed by the division Bench in W.A.Nos.354 & 355 of 2016 order dated 05.04.2018 and same was followed by our Hon'ble Single Judge in W.P.No.18220 of 2020 by order dated 12.09.2022 and by considering petitioners representation dated 05.01.2023 and pass orders.

2.The facts of the case is that the petitioners were engaged as a Anti poaching watcher in the Forest Department on 01.02.2003 and 01.08.2006. Though the petitioners have completed 10 years of temporary service as Anti Poaching Watcher, their services were not regularized. The petitioners and similarly placed persons joined together totally 123 people filed writ petitions in W.P.Nos.10654 and 9764 of 2014. Those writ petitions were decided by a learned Judge of this Court on 15.04.2014 where the following directions have been given:

“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



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completed 10 years of service or less as the Government may deem fit, as on today;

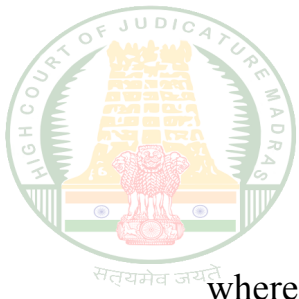
(ii) The Government shall issue appropriate Rule governing the post of Plot Watchers and Anti Poaching Watchers or include these two posts in the Tamil Nadu Forest Subordinate Service Rules so as to regulate the appointment of the Plot Watchers and Anti Poaching Watchers in order to avoid back door entry:

(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 the order within a period of six months from the date of receipt of a copy of this order. No costs. Consequently the connected miscellaneous petitions are closed.”

Pursuant to the said direction, instead of complying with the same, the respondents since had chosen to file intra Court appeal through appeals in W.A.Nos.354 & 355 of 2016 and those writ appeals were also disposed of by a Division Bench of this Court by order dated 05.04.2018,



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where the Division Bench slightly modifying the order passed by the

Writ Court has passed the following order:

“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 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 clarification for the individual, if required and on subject to satisfaction by the department, their cases shall be considered at regular intervals.

With the above modification, the Writ Appeals stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

3. Though this order was passed by the Division Bench in the year 2018, even thereafter there was no orders regularizing the services of the petitioners as they have already completed 10 years of service long back and in order to get such regularisation and for further service benefits, the petitioner having given a representation to the respondents



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on 16.12.2022 and the same since has not evoked any positive response from the respondent, which has given rise to this petition.

4. The learned counsel for the petitioners submitted that the first respondent has issued G.O.(MS) No.227 Environment, Climate, Change and Forests (FR.2-(ii) Department dated; 30.12.2002 wherein 94 persons were regularized as Anti- Poaching Watchers who have completed 10 years of service for the years 2019,2020,2021, and 2022. Hence, prays to allow this petition.

5.The learned Government Advocate appearing for the respondents submitted that the representation of the petitioners will be considered and they will pass orders on merits and in accordance with law.

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

7. On a perusal of records it is seen that as per the above G.O those who have completed 10 years of service like petitioners were brought into regular time scale forest watcher and the said benefit can be extended to the petitioner, if he is entitled.



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8. For the foregoing reasons, the respondents are directed to consider the case of the petitioners and pass orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27.03.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

smn

To

1. The Secretary,
Environment and Forest Department,
Fort ST. George, Chennai 600 009.
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Panagal Maaligai, Jeenis Road,
Saidapet, Chennai 015.
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V.BHAVANI SUBBAROYAN, J.

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