



WEB COPY

WP No. 10863 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 10863 of 2025

S.Latha

W/o.A.Sekar (late).

Petitioner(s)

Vs.

1. The State of Tamilnadu

Rep. By its Secretary to Government,
Environment, Climate Change and
Forest Department, Fort St. George,
Chennai 9.

2.The Principal Chief Conservator of
Forest and Head Of Forest Force,
Joint Forest Management,
Velacherymain Road, Guindy,
Chennai 32.

3.The Divisional Forest Officer,
Attur Forest Division, Attur.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to regularise the petitioner's husband's service as Forest Watcher on par with his junior with effect from 24.01.1995 by implementing the common order made in WP.No. 25276 of 2014, dated 17.09.2014 and the same was confirmed in WA.No. 2178 of 2018, dated 11.08.2021, for the purpose of getting family pension within time frame with all consequential benefits.



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For Petitioner(s): Mr.K.Jenitha

For Respondent(s): Mr.T.Seenivasan, SGP

ORDER

The writ petition has been filed seeking a direction against the respondents to regularise the service of the petitioner's husband as Forest Watcher on par with his junior with effect from 24.01.1995. Petitioner places reliance on the order in WP.No. 25276 of 2014, dated 17.09.2014, which was confirmed in WA.No. 2178 of 2018, dated 11.08.2021. Petitioner seeks therefore family pension to be paid within the stipulated period.

2.In the affidavit filed in support of the writ petition, it had been contended that the husband of the petitioner, A.Sekar, was appointed as Forest Watcher on daily wages on 01.10.1985 at Interface Forestry Division, Salem II. His name was also included in the Statewide seniority list in S.No.4343. Thereafter his service was brought into regular time scale of pay as Supernumerary Plot Watcher by G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009. He claimed that his juniors were appointed in



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the regular post of Forest Watcher on 24.01.1995 itself. One of the factors which worked against the husband of the petitioner was his height. He was 1.61cm. The respondents require for regularisation, a Forest Watcher to be of the height of 1.63 cm. This aspect of height was challenged by several petitioners in *W.P.Nos.25271 - 25278 of 2014, in K.Murugan Vs.Government of Tamil Nadu and two others*. A learned Single Judge of this Court by a common order, dated 17.09.2019, held that the fixation of height defies logic and also had observed that the petitioner had served in the forest department for a long number of years and therefore stated that the petitioners therein should be regularised. Questioning this order of the learned Single judge, *W.A.Nos.1838 of 2018 batch in the State of Tamil Nadu represented by its Secretary to Government and seven others Vs. S.Thandapani and three others* had been filed. In the above writ appeal, the Division Bench had placed reliance on the order in another *W.A.No.1703 of 2014* and held as follows:

These appeals are preferred by the Government against the order passed in a batch of writ petitions seeking issuance of mandamus directing the appellants to appoint the petitioners in the cadre post of Forest Watcher by giving relaxation with respect to height by extending the



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benefit of G.O.(2D) Ms.No.56, Environment and Forest Department, dated 06.09.2006.

2. In a similar writ appeal, this Court, by order dated 20.01.2015 in W.A.No.1703 of 2014 had passed the following order:

□ There is no dispute that to be a Forest Watcher, one should possess physical requirement of height of 163 cms. and 79 cms. of chest with 5 cms. expansion. It appears that in the case of the writ petitioner/respondent herein, there is no deficiency in chest measurement. However, there is some deficiency in his height. The appellants have failed to establish as to how the deficiency in his height would substantially affect his performance, especially, when he has been working as Plot Watcher for the last 25 years. The appellants had, indisputably, granted the benefit to other employees. Thus, in the light of the same, we are of the considered view that the order passed by the Writ Court, which is sought to be impugned in the instant appeal, does not warrant interference in the facts of the case. However, we make it clear that the question of law involved in the case on hand is left open to be decided in the appropriate case. □

3. The said decision was based on the decision of the Hon-ble Supreme Court in Ghan Sham Sunder and Others vs. State of Punjab and Others, reported in (2004) 9 SCC 508. Admittedly, these writ petitioners were engaged by the department from the year, 1985 and they were also regularised on 07.08.2009.



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4. Considering the length of service rendered by them they should also be appropriately considered for relaxing the height required for the said post. Accordingly, the benefit of the order in W.A.No.1703 of 2014 is extended to the respondents herein also.

5. In view of the above, these Writ Appeals are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

3.The learned Special Government Pleader had also drawn notice of this Court to G.O.(2D) No.104, dated 29.07.2022, wherein, with respect to another individual P.Rajendran, the Government had relaxed rule 5 of the Special Rules of Tamil Nadu Forest Subordinate Services with respect to height. The late husband of the petitioner is also entitled for such relaxation. If it is so relaxed, he should also had been brought into regular service on par with his juniors on 24.01.1995.

4.A direction is given that the respondents must regularise the services of the husband of the petitioner as Forest Watcher on and from 24.01.1995 and effect necessary monetary benefits to the petitioner including family pension



and all other consequential benefits within a period of eight weeks from the date
of receipt of a copy of this order.

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5.The writ petition stands allowed. No Costs. Consequently, connected
miscellaneous petitions, if any, are also closed.

09-04-2025

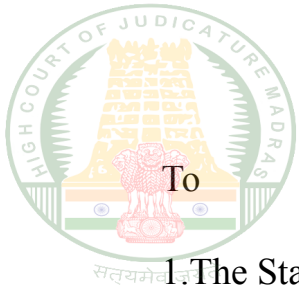
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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