



WEB COPY

WP No. 18545 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM :

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 18545 of 2023

T. Gunasekaran

..Petitioner

Vs

1.The State of Tamil Nadu
Rep by its Secretary to Government
Environment, Climate Change and
Forest Department, Fort St.George,
Chennai-9.

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

..Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Certiorarified Mandamus, calling for the records of the 2nd respondent in Ref. No. LL2 / 9418 / 2021 dated 08.03.2022 and to quash the same with consequential direction to the respondents to regularize the petitioner's service as Forest Watcher on par with juniors appointment in the post of Forest Watcher with effect from 24.01.1995 by giving the benefit of relaxation of rule. 5 of Special Rules for Tamilnadu Forest Subordinate Service Rules relating to height with all consequential benefits within time frame.



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For Petitioner: M/s. K.Jenitha

For Respondents: Dr. T.Seenivasan, Spl.GP

ORDER

The prayer sought for in the writ petition is to call for the records of the 2nd respondent in Ref. No. LL2 / 9418 / 2021 dated 08.03.2022 and to quash the same with consequential direction to the respondents to regularize the petitioner's service as Forest Watcher on par with juniors appointment in the post of Forest Watcher with effect from 24.01.1995 by giving the benefit of relaxation of rule. 5 of Special Rules for Tamilnadu Forest Subordinate Service Rules relating to height with all consequential benefits within a time frame.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Plot Watcher on 10.09.1981. Thereafter, the Government had drawn the State Wide Seniority of Plot Watcher/Social Forestry Workers in the year on 08.03.1999. The petitioner was included in the serial No. 1472. Without following the seniority list,



Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioner was brought into regular time scale of pay as Supernumerary Plot Watcher. The posts to which the petitioner was brought into regular time scale of pay is not a cadre post and it was only a supernumerary post. Therefore, the petitioner submitted representation seeking to consider in accommodating him in the regular cadre post of Forest Watcher by giving them relaxation with respect to height or age as the case may be, so as to enable the petitioner to get all the consequential benefits.

4. Similarly placed persons were granted relief in W.P.No.23647 of 2013 dated 12.09.2014. The said order was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.2072 of 2018 dated 11.08.2021. In fact, the said order was duly complied with by issuance of G.O.(2D).No.09 Environment, Climate Change and Forest (FR.2(II)) Department dated 08.02.2022. However, the representation of the petitioner is not considered so far.

5. In similar matters, this Court considered the similar request in W.P.Nos.21349 of 2023 and batch dated 03.08.2023 and held as follows:-



“7. Admittedly, the grievance of the writ petitioner is that he is seeking regularization of service for pensionary benefits. It is the contention of the writ petitioners that similarly persons have been given such benefits as per Government Orders in G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023 and G.O. [2D] No.9, dated 08.02.2022. Based on the Orders of this Court in W.A.No.2072 of 2018, dated 11.08.2021, the Government has issued the Government Order in G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023. As per the above Government Orders, the relief has been extended to similarly placed persons. Hence, the respondents are directed to consider the case of the petitioners in the light the above Government Orders, as the benefit has been extended to similarly placed person. In fact the plot watchers are frontline soldiers in forest and they are main protectors of the forest. These facts cannot be disputed by any one. Hence, while passing the Orders, the Government shall take into consideration the nature of service rendered by the petitioners and also the fact that when similarly placed persons have already been granted the relief, if the petitioners are not granted such relief, the same is nothing but discrimination and it violates Article 14 of Constitution of India. In such view of the matter, the respondent shall extend the benefits as per above Government Orders as it is extended to similarly situated persons.”

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the Government Letter in Ref. No. LL2 / 9418 / 2021 dated 08.03.2022, is hereby quashed. The respondents are directed



to consider the case of the petitioner and pass orders on merits and in accordance with law, in the light of the order passed in W.P.Nos.21349 of 2023 and batch dated 03.08.2023, as the benefits have been extended to similarly placed persons, within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition stands allowed. Consequently, connected Miscellaneous Petition if any, is closed. There shall be no order as to costs.

28-10-2025

Index: Yes/No

Internet: Yes

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To

1. The Secretary To Government,
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Forest Department,
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2. The Principal Chief Conservator Of
Forests, (Head Of the Department)
Joint Forest Management,
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G.K.ILANTHIRAIYAN, J.

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