



WP No. 19465 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 19465 of 2018

1. P.Krishnan,
S/o.Ponnusamy Naicker, Forest Guard
(Retd), Keerapakkam Village,
Desumukipattu Post, Tirukalikundram
Taluk, Kancheepuram District

Petitioner(s)

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to
Government, Environment and Forest
Department, Secretariat, Chennai 9

2.The Principal Chief
Conservator of Forests, Panagal
Buildings, Chennai 15

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records first respondent Letter No. 14911/FR.2(1)/2016-1 dated 14.2.2017 and Pro.



Rc.NO.AB2/27585/2008 dated 4.7.2008 of the 2nd respondent to quash the same and to issue consequential directions to the 1st respondents to place the petitioner between S.No.969 and 970 in the State wide List of Forest Guards as on 1.1.2005 and to grant all consequential benefits including promotion as Forester with retrospective effect from the date of promotion of his immediate junior with all consequential benefits

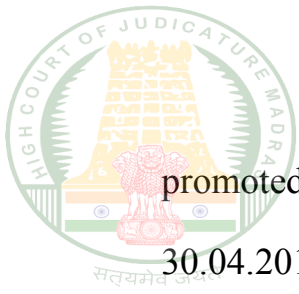
For Petitioner(s): M/s.M.Ravi

For Respondent(s): Mr.S.Rajesh
Government Advocate

ORDER

The writ petition has been filed to call for the records of the first respondent in Letter No. 14911/FR.2(1)/2016-1 dated 14.2.2017 and Pro. Rc.NO.AB2/27585/2008 dated 4.7.2008 of the 2nd respondent and to quash the same and issue consequential directions to the 1st respondent to place the petitioner between S.No.969 and 970 in the State-wide List of Forest Guards as on 1.1.2005 and to grant all consequential benefits including promotion as Forester with retrospective effect from the date of promotion of his immediate junior with all consequential benefits

2. The petitioner was absorbed as a Forest Watcher on 16.06.1990 in terms of G.O.Ms.No.273 Environment and Forests Department, dated 26.11.1999 and the services of the petitioner were regularized with effect from 11.06.1992 in the post of Forest Watcher. The petitioner has completed his period of probation as Forest Watcher with effect from 10.06.1993 and he was



promoted as Forest Guard on 05.05.2003 and retired from service on 30.04.2014. He submitted a representation to the second respondent on 17.09.2007 that his seniority in the post of Forest Guard has been wrongly placed in Sl.No.1726 as on 1.1.2005 below his juniors namely L.Mohan, A.Srinivasan, N.Elumalai, K.Thulasiraman and R.Indira Gandhi, who stands in Sl.No.970 to 973 and 977, in the seniority list, joined service as Forest Watcher after the petitioner had the joined service. As no order has been passed by the second respondent, the petitioner has filed a writ petition in W.P.No.10625/2008 and in the said writ petition a direction has been given to the second respondent to consider the petitioner's representation and dispose the same. On considering the petitioner's representation, it was rejected by the order dated 04.07.2008. The appeal filed by the petitioner was not disposed.

3. The petitioner later filed a writ petition in W.P.No.29868 of 2010 and by an order dated 29.01.2011, this Court has issued a direction in the said writ petition to dispose the appeal of the petitioner dated 24.11.2008. By an order dated 14.02.2017 the first respondent rejected the appeal dated 24.11.2008. The petitioner once again filed a review petition to the Government for considering the matter and it is still pending, and hence the petitioner has filed this writ petition.

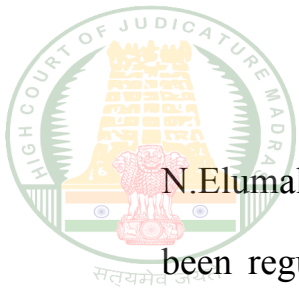
4. Mr.M.Ravi, the learned counsel for the petitioner, submitted that the petitioner was absorbed as a Forest Watcher on 16.06.1990 and he is much



senior to the Forest Guards who have been appointed on 01.01.2005, but in the seniority list he was kept below his juniors. It is further submitted that as per Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules, the petitioner's seniority shall not be reduced unless he was reduced to lower rank as punishment and the date of appointment is relevant for fixing the seniority.

5. Mr.S.Rajesh, the learned Government Advocate for the respondents submitted that the persons namely L.Mohan, A.Srinivasan, N.Elumalai and K.Thulasiraman have been initially appointed as Mazdoor in regular time scale of pay on 01.01.1978, 01.04.1986, 01.04.1981 and 01.04.1986 respectively. Subsequently, they were promoted as Forest Watcher on 30.06.1990 and 26.06.1990 respectively. The other candidate by name R. Indira Gandhi was appointed directly as Forest Watcher on 18.12.1992, as a special case, as a first lady from Narikoravar Community as Forest Watcher and she has joined duty as Forest Watcher with effect from 10.02.1993.

5.1 It is further submitted that the petitioner has been initially appointed as Forest Watcher purely on temporary basis on daily wages and on time scale of pay and his appointment to the post of Forest Watcher was also purely in temporary basis and his services were regularized with effect from 11.06.1992 vide G.O.Ms.No.273 E & F (FR-II0 Department dated 26.11.1999. As the panel of Forest Watcher is fit for promotion as Forest Guard qualified as on 15.08.1999 was drawn up on 09.08.1999, the persons L.Mohan, A.Srinivasan,



N.Elumalai, K.Thulasiraman and R.Indira Gandhi whose services were already been regularized in the post of Forest Watcher category and who have been initially appointed on time scale of pay on regular basis prior to the petitioner were selected as Forest Guard. As the engagement of the petitioner is temporary in nature, his name was not included in the above panel.

5.2 In the year 2002, the Rules were introduced for considering one unit system for the purpose of promotion for Forest Watcher and Forest Guard by withdrawing the finalization of the promotion at circle level. Based on the above the panel the Forest Watcher fit for promotion as Forest Guard for the year 2002 and 2003 qualified as on 15.08.2002 was drawn up and the name of the petitioner was included in Sl.No.52 in the above said panel. As the petitioner was initially appointed as Plot Watcher on daily wages and his services were regularized only in the year 1999, he was promoted as Forest Guard in the year 2002.

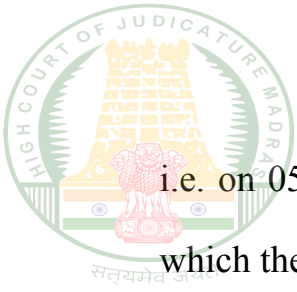
6. The petitioner did not deny the fact that the he was engaged as a Daily Wager as Plot Watcher and he was absorbed as Forest Watcher only on 26.11.1999 in view of the Government Order issued in G.O.Ms.No.273, Establishment and Forest Department dated 26.11.1999. The petitioner's services were regularized with effect from 11.06.1992. But in the case of L.Mohan, A.Srinivasan, N.Ezhumalai and K.Thulasiraman, they have been promoted to the post of Forest Watcher as early as in the year 1990. Naturally



persons who have been appointed in the regular post prior to the regularization of the petitioner would be senior to the petitioner. In fact the initial appointment of L.Mohan, A.Srinivasan, N.Ezhumalai, K.Thulasiraman were against the regular post as Permanent Mazdoor. So the petitioner cannot claim any parity with the above persons.

7. So far as the other candidate by name Indira Gandhi is concerned, she has been appointed by issuance of the Government Order on 18.12.1992 against the regular post as a Forest Watcher and she has joined duty with effect from 10.03.1993. Even prior to Indira Gandhi's appointment, the petitioner was absorbed as Forest Watcher and his services have been regularized with effect from 11.06.1992. The Government Order which regularized the petitioner's service came only in the year 1999. So the regularization order was not issued to the petitioner when the promotion panel for Forest Guard was drawn as on 15.08.1999.

8. Had the order of regularization was issued at the earliest, the petitioner would have stood senior to Indira Gandhi. The unit system was introduced only in the year 2002 but even with effect from 11.06.1992, the petitioner was given with regularization. Whatever system prevailed before 06.06.2002 for promoting Forest Watchers to the post of Forest Guard, is applicable to the case of the petitioner also. Even though the petitioner cannot be given with the monetary benefit till the date when he was actually promoted as Forest Guard



i.e. on 05.05.2003, the notional effect can at least be granted from the date on which the promotion was given to his junior Indira Gandhi.

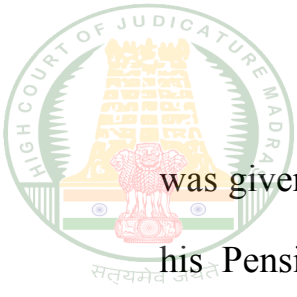
WEB COPY

9. It is made clear that in the order of regularization issued to the petitioner, it is not stated that his regularization will take effect from the date of issuance of Government Order but with effect from 11.06.1992. Even though the petitioner cannot claim parity with the other candidates by name L.Mohan, A.Srinivasan, N.Ezhumalai, K.Thulasiraman, there is justification in his representation to claim seniority over Indira Gandhi who joined only on 10.02.1993.

10. The learned Government Advocate for the respondents submitted that the petition has been affected by delay in latches.

11. To be noted the petitioner has been running from pillar to post from the year 2007 and various direction have been given by this Court. The Review Petition filed by the petitioner was kept pending without any further orders and it necessitated the petitioner to file this writ petition.

12. In view of the above stated reasons and that the petitioner was regularized with effect from a date prior to the date of appointment of Indira Gandhi, I feel the first respondent should pass orders by granting notional benefit for promotion to the next level from the date on which Indira Gandhi



was given promotion to the post of Forest Guard and send proposal for refixing his Pensionary benefits and other attendant benefits accordingly.

WEB COPY

13. In the result the writ petition is partly allowed by directing the first respondent to pass orders to give notional effect to the petitioner's promotion to the next level post of Forest Guard with effect from the date on which his Junior Indira Gandhi was promoted and monetary benefit from the date of his promotion and assuming charges in the post of Forest Guard and send proposals for refixing his pension. The first respondent shall also pass appropriate orders to refix the petitioner's pension accordingly after passing the above order, as expeditiously as possible. No costs.

25-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

bkn



WP No. 19465 of 2018



WEB COPY

1. The Principal Secretary to
Government, Environment and Forest
Department, Secretariat, Chennai 9

2. The Principal Chief
Conservator of Forests, Panagal
Buildings, Chennai 15



WEB COPY

WP No. 19465 of 2018



R.N.MANJULA J.

bkn

WP No. 19465 of 2018

25-04-2025