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W.A.No.3229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.No.3229 of 2025
and
C.M.P.No.26409 of 2025**

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Environment, Climate Change and Forests Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy - Velacherry Main Road,
Guindy,
Chennai - 600 032.
3. The Conservator of Forests,
Dharmapuri Forest Circle,
Dharmapuri District.
4. The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri - 5,
Dharmapuri District.

... Appellants

-Vs-

V.Tamilarasan

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 08.01.2025 in W.P.No.32820 of 2024.



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For Appellants : Mr.P.Anandakumar
Government Advocate

For Respondent : Mr.R.Jothimanian

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J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 08.01.2025 made in W.P.No.32820 of 2024.

2. The respondent was the writ petitioner who had been engaged on temporary basis as Driver of the appellant Department with effect from 22.07.2014, since then, he has been continuously working as temporary employee. After having completed ten years of service, when he sought for regularization, that was negated by passing an order which was impugned before the writ Court.

3. The writ Court having considered all these aspects especially by following the orders passed by the writ Court as well as Division Bench as confirmed by the Hon'ble Supreme Court in the concerned S.L.P in respect of the similarly placed persons had allowed the said writ petition through the impugned order.



4. In paragraph No.3 of the impugned order, the learned Judge has referred to similar order passed by the writ Court as well as Division Bench and also the fact that the concerned S.L.P was dismissed against those orders passed by this Court. The relevant portion of the impugned order, i.e, paragraph No.3 of the impugned order is extracted hereunder:

"3. The learned counsel for the petitioner submitted that similarly placed person also filed writ petitions in W.P.Nos.19456 to 19458 of 2013, wherein this Court by order dated 04.09.2017 directed the respondents to regularize the services of the petitioners in the above from the date of initial appointment with all attendant and consequential benefits and the same was also confirmed in W.A.Nos.1842 to 1844 of 2018 vide Common Judgment dated 10.01.2019. Similarly in the W.A.No.2796 of 2019, this Court also directed the regularization of service, which is also challenged in S.L.P before the Supreme Court and the same has also been dismissed. Thereafter, the Government has issued G.O.Ms.No.8, Environment and Forests (FR.2~II) Department dated 22.01.2021. Hence seeks to allow this petition."

5. In fact the similar order was passed in W.P.No.32818 of 2024 that was challenged in W.A.No.3224 of 2025, that also came up for admission before us today, i.e., on 10.11.2025, we have considered the same and dismissed the appeal. The relevant portion of the order reads as under:



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"5. Though the said Government Order was issued regularizing the services of the respondent writ petitioner, the learned Government Advocate appearing for the appellants would submit that the said Government Order was issued only subject to the outcome of the present appeal, this Court feels that as the plea of similar persons like the respondent / writ petitioner was considered, where regularization has been given pursuant to the orders passed by the Writ Court which was also confirmed by the Division Bench in a batch of writ appeals as stated supra and the same also has been confirmed by the Hon'ble Supreme Court by dismissing the Special Leave Petition in this regard filed by the employer, the same yardstick since has to be adopted in the present case also, passing of the present Government Order in G.O.(2D) No.194, Environment, Climate Change and Forests(FR.2(i) Department dated 04.11.2025 is strictly in consonance with the said parameters, there is no further scope for the appellants to re-agitate the issue after having issued the said Government Order.

6. Therefore, recording the above the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

6. In that case, based on the recommendation made by the Principal Chief Conservator of Forest, the Government has accepted the recommendation and passed the Government Order, thereby giving relaxation of the relevant Special



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Rules and accepted the regularization of the said candidate as Driver on permanent basis from the date of the initial appointment.

7. When that being so, no deviation can be taken in this case as has been projected by the learned Government Advocate appearing for the appellants as he has cited an averment made in the counter affidavit filed before the writ Court stating that up to 2020, he was a direct employee on temporary basis and from 2020 onwards, he has been an employee on contract basis, therefore, the case which has been dealt with in the earlier writ appeal cannot be equated with the present case, he contended.

8. We are not impressed with the said submissions made by the learned Government Advocate appearing for the appellants for the simple reason that, there has been no agreement of contract between the contractor and the Department and moreover, there could be no such contract for engaging Driver that too on temporary basis for years together, that too in the Forest Department. Therefore, the mere averment stated in paragraph No.6 of the counter affidavit would not *ipso facto* give any right to make a point stating that the facts of the present case cannot be equated with the other case which has been dismissed as cited *supra*.



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9. In that view of matter, we do not find any merits in entertaining this writ appeal as the order impugned is to be confirmed, as a result of which, this Writ Appeal has to fail and accordingly, it is dismissed. The needful as indicated above by the writ Court through the impugned order shall be complied with by the appellant Department within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
10.11.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Environment, Climate Change and Forests Department,
Fort St.George, Secretariat, Chennai - 600 009.
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