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W.P.No.30969 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30969 of 2025  
and WMP.No.34684 of 2025

1.J.Kumar  
2.P.Dhakshinamoorthy  
3.M.Angamuthu  
4.K.Subramani  
5.A.Umayavel  
6.M.Adimoolam

... Petitioners

Vs.

1.The State of Tamil Nadu  
Rep by its Additional Chief Secretary to Government  
Environment, Climate Change and Forest Department  
Fort St.George, Chennai – 9.  
  
2.The Principal Chief Conservator of Forest  
(Head of Forest Force)  
Forest Head Quarters  
Velachery Main Road  
Guindy, Chennai – 600 032.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus for a direction to the respondents to regularise the petitioners' service in the cadre post of Forest Watcher



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notionally by giving relaxation in respect of height as the same was done for the similarly placed persons like the petitioners namely V.Chinnavan & 11 others on 20.04.2022 with effect from 24.01.1995 for the purpose of getting pension by considering their representation dated 18.09.2024 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014 and the same was affirmed by the Hon'ble Division Bench in W.A.No.1703 of 2014 dated 20.01.2015 and similar case was implemented by the first respondent in G.O.(2D) No.58, Environment, Climate Change and Forests (FR.2(II)) Department dated 20.04.2022 with all consequential benefits, within the time limit fixed by this Court.

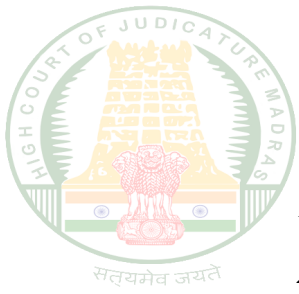
For Petitioners : Ms.K.Jenitha

For Respondents : Mr.C.Selvaraj  
Additional Government Pleader for R1&R2

### **ORDER**

The above writ petition has been filed for the following relief :

*“ To issue a Writ of Mandamus for a direction to the respondents to regularise the petitioners' service in the cadre post of Forest Watcher notionally by giving relaxation in respect of height as the same was done for the similarly placed persons like the petitioners namely V.Chinnavan & 11 others on 20.04.2022 with effect from 24.01.1995 for the purpose of getting pension by considering their representation dated*



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*18.09.2024 in the light of the order passed in W.P.No.9708 of 2014 dated 12.09.2014 and the same was affirmed by the Hon'ble Division Bench in W.A.No.1703 of 2014 dated 20.01.2015 and similar case was implemented by the first respondent in G.O.(2D) No.58, Environment, Climate Change and Forests (FR.2(II)) Department dated 20.04.2022 with all consequential benefits, within the time limit fixed by this Court.”*

2. The facts that has led to the filing of the writ petition is herein below set out :

- a) The petitioners herein were appointed as Plot Watchers and Social Forestry Workers in the Social Forestry Divisions sometime in the year between 1979 to 1986, who are the feeder category. The lower grade service in the Forest Subordinate Service Rules are the Forest Watcher and Mali. These posts are filled up from the feeder category of Plot Watcher and Social Forestry Workers.
- b) The service of Plot Watcher and Social Forestry Workers is temporary and they are appointed on a consolidated pay basis. Prior to 1960, the Plot Watchers were known by the term “Reserve Watchers”. Since the post of Reserve Watchers are needed



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indefinitely by the Department, they made recommendations to the II Pay Commission. Pursuant to the recommendations, the Government passed G.O.Ms.No.892 Forest and Fisheries Department, dated 17.10.1978, bringing the temporary services of Plot Watchers / Reserve Watchers under pensionable service and designated them as “Forest Watchers.”

- c) There was no post of Mali in the Forest Department and only in the year 1994, the post of Mali was included in the Subordinate Service Rules. Thereafter, the Plot Watchers / Social Forestry Workers were employed in the regular post of Forest Watcher and Mali, irrespective of any physical measurement, without following the seniority.
- d) Later, the Government vide G.O.Ms.No.332 dated 22.12.1994, had fixed the educational qualification for the post of Forest Watcher as S.S.L.C., and had appointed 445 Plot Watchers as Forest Watchers. As a result of this G.O., juniors who possessed the said qualification was appointed as Forest Watchers overlooking the seniority.
- e) Aggrieved by this G.O., the Plot Watchers Association approached the Administrative Tribunal to quash G.O.Ms.No.332. As a result



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of which, the said G.O., was cancelled and the Government had issued G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, declaring that one of the eligibility criteria for Plot Watchers was to read and write.

- f) Subsequent to the said G.O., the State-wide seniority list was prepared from the feeder category of Plot Watchers and Social Forestry Workers, for filling up vacancy of Forest Watcher and Mali. The names of the petitioners also finds place in the State-wide seniority list, and the first batch of appointment for the post of Forest Watcher and Mali was made vide proceedings dated 23.12.1999. During that time, no physical qualification was fixed for the Forest Watcher and Malis.
- g) Thereafter, in the year 2002, the respondent-Department separated the Plot Watchers and Social Forestry Workers into two categories of persons, one having a height of 163 c.m., and the other not having 163 c.m., It was only the persons who possessed the qualified height of 163 cms, who were appointed to the post of Forest Watcher and the persons who did not have the height of 163 cms., were compelled to work on daily wages and they waited for



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regular appointment in the post of Mali.

- h) The post of Mali is a newly created post and the vacancies for the said post did not arise till 2014. Further, the Plot Watchers and Social Forestry Workers who did not possess the requisite height of 163 cms., were compelled to work as daily wagers and the juniors who possessed the requisite height had marched over them and some of them have even superannuated without regular appointment.
- i) Thereafter, the petitioners herein were appointed as Supernumerary Plot Watchers and they have put in more than 35 years of unblemished service.
- j) The petitioners would submit that one Sivanesan, who was similarly placed and was appointed as Forest Watcher, was subsequently reversed to the lower grade, for want of height. He had moved the Administrative Tribunal by filing O.A.No.2248/1992 and the Tribunal had ordered that he be considered for appointment as Forest Watcher by relaxing the rule of height. Therefore, the first respondent had issued G.O.(2D) No.56, Environment and Forest Department dated 06.09.2006, in and by which, he was appointed as



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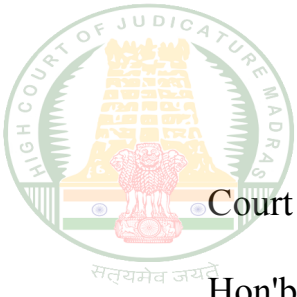


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Forest Watcher, by relaxing the rule of height.

- k) The petitioners would submit that various writ petitions were filed by similarly placed persons and they have obtained an order of this Court. That apart, the Government had also issued several G.Os., in the year 2022, relaxing Rule 5 of the Special Rules of Tamil Nadu Forest Subordinate Service Rules, with respect to height and the same was implemented by the respondents.
- l) The petitioners had submitted their representation dated 18.09.2024 to the respondents, to consider their claim in the light of the orders and the subsequent G.O., issued in compliance of the same. Since the representation of the petitioners was not considered, the petitioners are before this Court, seeking a mandamus to the respondents to regularise their services in the cadre of Forest Watcher notionally by giving relaxation in respect of height.

3. The learned counsel appearing for the petitioners would submit that the issue is no longer *res integra* and is covered by the order of this Court in W.P.9708 of 2014 dated 12.09.2014, in and by which Court had disposed of the writ petition, and the same was confirmed by the Division Bench of this



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Court by its judgment dated 20.01.2015 in W.A.No.1703 of 2014, and by the Hon'ble Supreme Court by its order dated 05.07.2016 in SLP (Civil) 12056 of 2015. He also would submit that several persons who had approached this Court had been favoured with a relief in the light of the orders cited supra, and hence, they seek that the same parity may be extended to the petitioners also.

4. Heard the learned counsel appearing for the petitioners and Mr.C.Selvaraj, learned Additional Government Pleader who takes notice on behalf of the respondents.

5. Considering the fact that the representation of the petitioners dated 18.09.2024 had been received by the respondents as well, and also in the light of the orders of the Division Bench of this Court and the Hon'ble Supreme Court, cited supra and the fact that subsequent G.O.s, have been implemented by the Government by relaxing the height in case of Plot Watchers, a mandamus is issued to the respondents to consider and give effect to the petitioner's representation within a period of two months from the date of receipt of a copy of this order. No costs. Consequently,



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connected miscellaneous petition is closed.

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Index : Yes / No

Neutral Citation : Yes / No

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To:

1.The State of Tamil Nadu

Rep by its Additional Chief Secretary to Government  
Environment, Climate Change and Forest Department  
Fort St.George, Chennai – 9.

2.The Principal Chief Conservator of Forest

(Head of Forest Force)

Forest Head Quarters

Velachery Main Road

Guindy, Chennai – 600 032.



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