



W.P.Nos.37345 of 2025, etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

W.P.Nos.37345, 37377, 37402, 37441 & 37548 of 2025

and

W.M.P.Nos.41779, 41812, 41835, 41899 & 42006 of 2025

W.P.No.37345 of 2025 :

1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Panagal Maaligai, Saidapet,
Chennai – 600 015.

... Petitioners

Vs.



W.P.Nos.37345 of 2025, etc.

K.V.Appala Naidu, IFS.,
District Forest Officer,
Tamil Nadu Cadre,
Dharmapuri Forest Division,
Dharmapuri – 636 807.

... Respondent

Prayer in W.P.No.37345 of 2025 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Hon'ble Central Administrative Tribunal, Chennai Bench, related to OA/310/1087/2022 dated 26.04.2025 and quash the order passed therein on 26.04.2025.

W.P.No.37377 of 2025 :

- 1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Forest Headquarters, Near Kannigapuram Check Post,
Velachery Main Road,

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W.P.Nos.37345 of 2025, etc.

... Petitioners

Guindy, Chennai – 600 032.

WEB COPY

Vs.

G.Kiran, IFS.,
District Forest Officer,
Tamil Nadu Cadre,
Trichy District 621 001.

... Respondent

Prayer in W.P.No.37377 of 2025 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Hon'ble Central Administrative Tribunal, Chennai Bench, related to OA/310/1085/2022 dated 26.04.2025 and quash the order passed therein on 26.04.2025.

W.P.No.37402 of 2025 :

- 1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Panagal Maaligai, Saidapet,



W.P.Nos.37345 of 2025, etc.

... Petitioners

Chennai – 600 015.

WEB COPY

Vs.

Naga Sathish Gidijala, IFS.,
Tamil Nadu Cadre,
District Forest Officer,
Tirupattur Division,
Tirupattur – 635 601.

... Respondent

Prayer in W.P.No.37402 of 2025 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Hon'ble Central Administrative Tribunal, Chennai Bench, related to OA/310/1086/2022 dated 26.04.2025 and quash the order passed therein on 26.04.2025.

W.P.No.37441 of 2025 :

1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,

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W.P.Nos.37345 of 2025, etc.

Secretariat, Fort St. George,
Chennai – 600 009.

WEB COPY

2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Panagal Maaligai, Saidapet,
Chennai – 600 015.

... Petitioners

Vs.

Kashyap Shashank Ravi, IFS.,
Tamil Nadu Cadre,
Deputy Conservator of Forests,
(Human Resources Department),
O/o. The Principal Chief Conservator of Forests (HoD)
Panagal Maaligai, Saidapet,
Chennai – 600 015.

... Respondent

Prayer in W.P.No.37441 of 2025 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Hon'ble Central Administrative Tribunal, Chennai Bench, related to OA/310/1088/2022 dated 26.04.2025 and quash the order passed therein on 26.04.2025.



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WEB CO **W.P.No.37548 of 2025 :**

1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Panagal Maaligai, Saidapet,
Chennai – 600 015.

... Petitioners

Vs.

S.Gowtham, IFS.,
District Forest Officer,
Tamil Nadu Cadre,
Erode Division,
Erode – 638 004.

... Respondent

Prayer in W.P.No.37548 of 2025 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the Hon'ble Central Administrative Tribunal, Chennai Bench, related to OA/310/1089/2022 dated 26.04.2025 and quash the order passed therein on 26.04.2025.

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For Petitioners : Mrs.Dakshayani Reddy
Senior Panel Counsel
assisted by Mr.K.H.Ravikumar
Government Advocate
in all writ petitions

For Respondent : Mr.P.H.Aravindh Pandian
Senior Counsel
for Mr.K.Siddharth
in all writ petitions

COMMON ORDER

(Order of the Court was made by **N. SATHISH KUMAR, J.**)

Challenging the orders of the Central Administrative Tribunal, dated 26.04.2025, setting aside the orders passed by the Government dated 12.03.2022 rejecting the request of certain Indian Forest Service Officers belonging to 2014, 2015 and 2016 batches to revise the date of awarding of Senior Time Scale of Pay to 01.01.2020 on completion of four years of



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service without reference to their passing of departmental tests, the present writ petitions have been filed by the Government. The Tribunal has further directed the competent authority to sanction Senior Time Scale of Pay to the respondents on completion of four years of service, i.e., from 01.01.2020, retrospectively, within a period of three months and also directed them to consider extending the benefit of allowing extra one year for passing the departmental examination to Indian Forest Service Officers similar to the provisions in Rule 41 and Rule 42 of the Indian Administrative Service Manual Part-II of the IAS Officers in the State.

2.All these writ petitions are challenging similar orders and therefore, all the writ petitions are taken up together and disposed of by this common order, as the issue in all the writ petitions are one and the same.

3.Brief facts of the case are as follows :



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3.1.The respondents in these writ petitions are officers of Indian Forest Service.

3.2.The petitioner in W.P.No.37345 of 2025 was appointed in the Indian Forest Service on 13.12.2016 and his services were confirmed on 13.12.2018 and he has completed four years of service (with reference to year of allotment) on 31.12.2019 and he has passed the examination and appointed in the Senior Time Scale on 20.10.2020.

3.3.The petitioner in W.P.No.37377 of 2025 was appointed in the Indian Forest Service on 22.12.2014 and his services were confirmed on 22.12.2016 and he has completed four years of service (with reference to year of allotment) on 31.12.2017 and he has passed the examination and appointed in the Senior Time Scale on 08.05.2019.

3.4.The petitioner in W.P.No.37402 of 2025 was appointed in the Indian Forest Service on 07.09.2015 and his services were confirmed on



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07.09.2017 and he has completed four years of service (with reference to year of allotment) on 31.12.2018 and he has passed the examination and appointed in the Senior Time Scale on 04.12.2019.

3.5.The petitioner in W.P.No.37441 of 2025 was appointed in the Indian Forest Service on 04.09.2017 and his services were confirmed on 04.09.2019 and he has completed four years of service (with reference to year of allotment) on 31.12.2020 and he has passed the examination and appointed in the Senior Time Scale on 30.11.2021.

3.6.The petitioner in W.P.No.37548 of 2025 was appointed in the Indian Forest Service on 28.12.2015 and his services were confirmed on 28.12.2017 and he has completed four years of service (with reference to year of allotment) on 31.12.2018 and he has passed the examination and appointed in the Senior Time Scale on 04.05.2019.

4.All the respondents were originally appointed as members of Indian



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Forest Service and posted in Junior Time Scale of Pay as per Rule 6(2) of

the Indian Forest Service (Recruitment) Rules, 1966. However, the

Government has postponed their appointment to the post in Senior Time

Scale of Pay on the ground that they have not passed in 1st Class in the test in

Tamil.

5.It is the contention of the respondents that Rules 6A(2) & (3) of the Indian Forest Service (Recruitment) Rules, 1966, do not require passing of examination as mandatory, but it is only discretionary, for appointing a person in the Senior Time Scale of Pay. It is their contention that one Mr.Ranjeet Singh, IAS, and Amar Kushawha, IAS, were given appointment in the Senior Time Scale of Pay though they had not passed in 1st Class in the Language Test as required under the Rules. Hence, it is their contention that, on completion of four years, the respondents became eligible for appointment to the post in Senior Time Scale of Pay. Now, the



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Government/writ petitioners sought to postpone the very appointment of the respondents to Senior Time Scale for more than a year, which is not contemplated under the Rules. It is their further contention that the order of the writ petitioners/Government postponing the appointment of the respondents in the Senior Time Scale is against the Rules. What can be postponed as per the Rules is only the increment and not the very appointment itself. Therefore, challenging the orders of the Government/writ petitioners postponing the appointment of the respondents to the posts in Senior Time Scale of Pay, the respondents filed Original Applications before the Central Administrative Tribunal (CAT).

6.The Central Administrative Tribunal, by the impugned orders herein, has set aside the orders of the Government/writ petitioners and has also directed the competent authority among the writ petitioners to sanction Senior Time Scale of Pay to the respondents on completion of their four



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years of service, i.e., from 01.01.2020, retrospectively, within a period of three months, and also directed them to consider extending the benefit of allowing extra one year for passing the departmental examination to IFS Officers similar to the provisions in Rule 41 and Rule 42 of the Indian Administrative Service Manual Part-II as available to the IAS Officers in the State. Challenging the said orders of the CAT, the State has filed these writ petitions.

7.The main contention of Mrs.Dhakshayani Reddy, learned Senior Panel Counsel appearing for the writ petitioners/Government, is that the CAT has failed to consider Rule 6A(3) of the Indian Forest Service (Recruitment) Rules, 1966, wherein, the Government has absolute power to withhold the appointment of an officer with reference to Sub-Rule (1) to the posts in Senior Time Scale of Pay till he passes the prescribed departmental examination or examinations. Therefore, it is her contention that, once the



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power has been properly exercised by the Government as per the above

Rule, the CAT, taking a different view, is contrary to the very Rules. It is her

further contention that the very purpose of retaining the non-obstante clause

in Rule 6A(3) of the Indian Forest Service (Recruitment) Rules, 1966, is to

buttress that, unless one qualifies in the departmental examination, he/she is

not eligible to be appointed in the Senior Time Scale of Pay, which has not

been considered by the CAT. Further, it is her contention that there is no

specific provision in the Indian Forest Service (Recruitment) Rules, 1966,

regarding cut-off and passing of departmental test before the completion of

four years, which is mandatory for awarding of Senior Time Scale. In the

absence of any Rule extending further time to pass the examination, the

direction issued by the CAT to the competent authority to consider extending

the period of one year for passing the examination, as available to the IAS

officers, is also not in accordance with law. Therefore, the learned Senior

Panel Counsel would contend that the CAT has not properly considered the



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Rule position and the order of the CAT will pave way for all the IFS officers

to claim such benefit even without passing the examination. Hence, she

seeks to set aside the impugned orders of the CAT.

8. Whereas, Mr.P.H.Aravindh Pandian, learned Senior Counsel appearing for the respondents/IFS officers, would submit that all the respondents herein were appointed under the Indian Forest Service (Recruitment) Rules, 1966, in Tamil Nadu Cadre. It is his contention that Rule 6A(2) of the Indian Forest Service (Recruitment) Rules, 1966, makes it clear that a person shall be appointed to a post in the Senior Time Scale of Pay, if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to a post in the Senior Time Scale of Pay. Further, according to the learned Senior Counsel, as per the Indian Forest Service (Pay) Rules, 2016, Senior Time Scale of Pay shall be provided to the IFS officers on completion of four years of service



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subject to the provisions of Sub-Rule (2) of Rule 6A of the Indian Forest

Service (Recruitment) Rules, 1966. Therefore, it is his contention that the

Senior Time Scale of Pay has to be given to the respondents after completion

of their four years of service. It is his further contention that, though Rule

6A(3)(a) of the Indian Forest Service (Recruitment) Rules, 1966, provides

discretion to the Government to withhold the appointment of an officer to

Senior Time Scale till he passes the prescribed departmental examination or

examinations, that will not postpone the very appointment itself. According

to him, though the power to withhold is available to the Government under

Rule 6A(3), the moment the respondents passed the test, their appointment

to the Senior Time Scale of Pay shall revert to their original date of

completion of four years of service, as per Rule 6A(2) of the Indian Forest

Service (Recruitment) Rules, 1966. Further, it is his contention that, even as

per the Indian Forest Service (Pay) Rules, 2016, completion of four years of

service is only fixed as eligibility for appointment to the Senior Time Scale.



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Therefore, though the Government has power to withhold the appointment

till the officer passes the departmental examinations, once the officer passes

the examination, his appointment to Senior Time Scale shall be from the

date of his eligibility. Further, it is his contention that, as per Rule 9 of the

Indian Forest Service (Pay) Rules, 2016, the State Government is also given

the power to withhold the increment till an officer passes the departmental

examination. Therefore, according to him, the purpose of such power is

only to postpone the increments, but not to take away the substantive right of

the officers. The CAT has, in fact, considered a different Rule applicable to

IAS officers allowing extra one year for completion of the language test and

has suggested for extending similar benefit to the IFS officers also, since

both are appointed under the same Rules directly in the same cadre.

Therefore, the learned Senior Counsel would submit that the well considered

orders of the CAT warrant no interference.



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9. We have perused the entire materials available on record.

10. The main issue is with regard to the absorption of the respondents in Senior Time Scale of Pay. The respondents are governed by the Indian Forest Service (Recruitment) Rules, 1966. Rule 6 *ibid.*, is as follows :

“6. Appointment to the Service : 6(1) All appointment to the Service shall be made by the Central Government and no such appointment shall be made except after recruitment by one of the methods specified in rule 4.

6(2) The appointment of persons recruited to the service under clause (a) of sub rule (2) of rule 4 shall be in the junior time-scale of pay.

6(3) The initial appointment of persons recruited to the Service under clause (b) of sub-rule (2) of rule 4 shall be in the senior scale of pay.

6A. Appointment of officers in the junior time-scale of pay to posts in the senior time scale of pay :

6A(1) Appointment of officers recruited to the Service under



clause(a) of sub-rule (2) of rule 4 to posts in the senior time-scale of pay shall be made by the State government concerned.

6A(2) An officer, referred to in sub-rule (1), shall be appointed to a post in the Senior time-scale of pay, if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to a post of in the senior time-scale of pay.

Provided that, if he is under suspension or disciplinary proceedings are instituted against him, he shall not be appointed to a post in the senior time-scale of pay, until he is reinstated in the Service, or the disciplinary proceedings are concluded and final orders are passed thereon, as the case may be. ...”

11.The above Rule makes it clear that an officer referred to in Sub-Rule (1) shall be appointed to the post in Senior Time Scale of Pay, if, having regard to his length of service and experience, the State Government is satisfied that he is suitable for appointment to the post in the Senior Time



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Scale of Pay. Therefore, from the above Rule, what is required for absorbing

a person in the post in Senior Time Scale of Pay, is the satisfaction of the

Government about his suitability.

12.Further, Rule 3 of the Indian Forest Service (Pay) Rules, 2016,

reads as follows :

“3. Levels in the Pay Matrix and appointment in these Levels

:

....

Note 1 : Appointment of a member of the Service to the Senior Time Scale and above shall be regulated as per the provisions in the Guidelines regarding promotion to various grades in the Indian Forest Service and any member of the Service shall be eligible for appointment to the Senior Time Scale on his completion of four years of service, subject to the provisions of sub-rule (2) of rule 6A of the Indian Forest Service (Recruitment) Rules, 1966 and to the Junior Administrative Grade on completion of nine years of service, to the Selection



Grade on completion of thirteen years of service, to the Conservator of Forests (Super Time Scale) on completion of fourteen years of service and to the Chief Conservator of Forests (Super Time Scale) on completion of eighteen years of service.

Note 2 : *The four years, nine years, thirteen years, fourteen years and eighteen years in this rule shall be calculated from the year of allotment assigned to him under rule 3 of the Indian Forest Service (Regulation of Seniority) Rules, 1966.”*

13.The above Note-1 makes it clear that, when an officer has completed four years of service, he will be eligible for appointment to the Senior Time Scale of Pay, subject to the provisions of Sub-Rule (2) of Rule 6A of the Indian Forest Service (Recruitment) Rules, 1966. In other words, the moment an officer in the cadre of Junior Time Scale of Pay completes four years of service, he is eligible for consideration to the post in Senior Time Scale of Pay on satisfaction of the Government that he is suitable.



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Rule (3) of Indian Forest Service (Pay) Rules, 2016, read in conjunction

with Rule 6A(2) of the Indian Forest Service (Recruitment) Rules, 1966,

makes it clear that, for absorption of a person in Senior Time Scale of Pay,

he should have completed four years of service and Government should be

satisfied about his/her suitability. Only these two conditions alone are

required for absorbing a person in the Senior Time Scale of Pay.

14.As far as suitability of the respondents is concerned, it is not the case of the Government that the respondents are not suitable for holding such post. It is not their case at all. According to the State, since the respondents have not passed the language test within the time as required under the Rules, they are entitled to be appointed only from the date of passing of their test. Much emphasis has been made by the writ petitioners on Rule 6A(3)(a) of the Indian Forest Service (Recruitment) Rules, 1966,



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and the same reads as follows :

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“6A(3) *Notwithstanding anything contained in sub-rule (2) the State Government may :*

6A(3)(a) *withhold the appointment of an officer referred to in sub-rule (1), to a post in the senior time-scale of pay;*

(i) till he is confirmed in the Service; or

(ii) till he passes the prescribed departmental examination or examinations, and appoint, to such a post, an officer junior to him.

6A(3)(b) *appoint an officer, referred to in sub-rule (1), at any time to a post in the senior time-scale of pay as a purely temporary or local arrangement.”*

15.The above Rule 6A(3)(a) makes it clear that the Government retains the discretionary power to withhold the appointment of an officer to the post in the Senior Time Scale of Pay till he passes the prescribed



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departmental examination or examinations and appoint to such a post an officer junior to him. It is relevant to note that the above provision only gives discretionary power to the Government to withhold the appointment of an officer till he passes the prescribed departmental examination. The above Rule read in conjunction with Rule 6A(2) of Indian Forest Service (Recruitment) Rules, 1966, and Rule (3) of the Indian Forest Service (Pay) Rules, 2016, makes it clear that the only discretionary power retained by the State Government is to withhold the appointment of an officer in the Senior Time Scale. That means, though an officer becomes eligible for appointment to the post in the Senior Time Scale of Pay on his completion of four years of service, still the State Government can withhold his appointment till he passes the prescribed departmental examination or examinations.



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16. In this regard, the State Government has also sought a clarification from the Union Government by their letter bearing No.11938/FR.Spl.A/2021-1, Environment, Climate Change and Forests (FR.Spl.A) Department, dated 13.12.2021, wherein, in Para No.6, the State has sought a clarification that there is no specific provision available in the Indian Forest Service (Recruitment) Rules, 1966, regarding the cut off date and passing of departmental tests before completion of four years which is mandatory for awarding of Senior Time Scale to IFS officers with reference to Sub-Rule (3) of Rule 6A of Indian Forest Service (Recruitment) Rules, 1966. Pursuant to such communication, the Ministry of Environment, Forest and Climate Change, Government of India, vide their letter bearing F.No.15011/21/2019-IFS II, dated 31.12.2021, have informed that the Sub-Rule (3) of Rule 6A of the Indian Forest Service (Recruitment) Rules, 1966, is clear and requires no further interpretation and therefore, the State

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Government is requested to take necessary action as per instant rule position.

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17.A careful perusal of the instant Rules as extracted above, makes it clear that the eligibility for appointment to the Senior Time Scale is only completion of four years of service subject to Rule 6A(2) of the Indian Forest Service (Recruitment) Rules, 1966. Rule 6A(2) requires only suitability and satisfaction of the Government. The discretionary power given to the State Government under Rule 6A(3) is only to withhold the appointment till an officer passes the prescribed departmental examination. The discretion to withhold the appointment for certain period, will not take away the original substantive right accrued to the officer by his length of service and his suitability to such post.

18.It is further relevant to note that Rule 9 of the Indian Forest Service (Pay) Rules, 2016, deals with withholding of increments.



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“9. Withholding of increments : The State Government

may withhold, for such time as it may direct, an increment due to any direct recruit or to any State Forest Service officer appointed to the Indian Forest Service, who fails to pass the departmental examination or examinations within such time as the State Government may by general or special order, prescribe, but the withholding of such increments shall have no cumulative effect.”

A specific rule has been provided to withhold the increment for such persons who fail to pass the departmental examination(s) within such time as the State Government may, by general or special order, prescribe. However, it is made clear that, withholding of such increments shall not have any cumulative effect. From Rule (9) of the Indian Forest Service (Pay) Rules, 2016, it is very clear that, for any person who has not completed the examination, increment will not be sanctioned, and the increment will be withheld for such period as may be prescribed by the Government, though it may not have a cumulative effect. Therefore, it is clear that, only to compel



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a person to complete the examination within a period as may be prescribed

by the State Government, the power to withhold the increment has been

retained. Similarly, the discretionary power to withhold the appointment to

the post in Senior Time Scale of Pay is also retained by the State

Government. However, once a person is qualified and becomes eligible, the

substantive right as per Rule (3) of Indian Forest Service (Pay) Rules, 2016,

will come into play. The moment an officer passes the departmental

examination(s), his appointment to the post in Senior Time Scale of Pay

revert back to his date of completion of four years of service. A substantive

right accrues to an officer on the original date of his attaining the eligibility,

viz., completion of four years of service. Merely because the officer does

not pass the department examination(s) within the prescribed time, the

substantive right accrued to him on the original date of his completion of

four years of service, cannot be taken away. When the power to withhold

the increment is also very much provided in the Rules and the increment is



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also withheld and later paid, now, it cannot be said that their substantive

right will commence only from the date of passing of the examination. The only eligibility criteria even as per the Rules, is completion of four years of service, satisfaction of the Government and suitability. Once the Government has not raised any issue with regard to the suitability and not disputed their satisfaction about the performance of the respondents, now, it cannot be said that they will be appointed only with effect from the date of passing of the examination.

19. We have also noticed that the same Rule position also applies to the Indian Administrative Service (IAS) officers. In few cases, the Government has appointed some of the persons in the Senior Time Scale of Pay even before they completed the examination. This aspect is not disputed. When the Indian Forest Service is also of the same cadre as that of Indian Administrative Service and the officers in both the Services are



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appointed through the same Union Public Service Commission, we are also of the view that there cannot be any different rules to each of them.

20.Further, we are of the view that, when a person has already become eligible, if his very appointment is postponed merely on the ground that he has not passed the examination resulting in a permanent change in his pensionary benefits, it will also have a serious consequence like in the case of a major punishment.

21.Further, it is to be noted that, even the appointment order issued to the respondents annexed in the typed set of papers, and the terms and conditions therein, clearly indicate that the new appointee will be on probation for a period of two years from the date of joining and the same may be extended further and failure to pass the prescribed examination or if the work is not satisfactory to the Central Government, he will be discharged



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from service. It is nowhere indicated even in the appointment order that any

test to be conducted by the State Governments is a pre-requisite for effecting

any promotion or will affect the substantive right which would accrue to the

officer as per the Rules. When the State Government has prescribed a

language test, it cannot be construed to mean that such a test falls within the

ambit of departmental examination as prescribed in the All India Service

Rules. At the most, the language test prescribed by the State Government is

only for the purpose of enabling the officer to learn the local language for

betterment of their services in the State. Only to compel an officer to pass

such examination, a discretionary power is given to the State Government

under Rule 6A(3) of the Indian Forest Service (Recruitment) Rules, 1966, to

withhold the appointment of an officer referred to in Sub-Rule (1) to the post

of Senior Time Scale of Pay till he passes the prescribed departmental

examination. Similar discretionary power is also given to the State

Government under Rule 9 of the Indian Forest Service (Pay) Rules, 2016, to



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withhold the increments of such officers who do not pass the departmental

examination or examinations. Therefore, when the discretionary powers

given to the State are only limited to withhold the increments and the

appointment to Senior Time Scale of Pay, that by itself do not take away the

substantive right that accrued to the officers on the date of attaining

eligibility, i.e., on completion of their four years of service. Admittedly, the

respondents herein have become eligible to be appointed to the post in

Senior Time Scale of Pay. As indicated above, once they had completed

four years of service and the Government is satisfied and they are suitable to

such post, they shall be appointed to the post in the Senior Time Scale of

Pay. Merely because the respondents have passed the examination later,

their right to be appointed in the Senior Time Scale of Pay which accrued to

them as on the date of completion of four years of service, as per Rule 6A(2)

of the Indian Forest Service (Recruitment) Rules, 1966 and Rule (3) of the

Indian Forest Service (Pay) Rules, 2016, cannot be deferred or postponed.



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22. Though, in the judgment relied upon by the learned Senior Panel Counsel appearing for the writ petitioners, in ***P.U.Joshi and others v. Accountant General, Ahmedabad and others*** reported in (2003) 2 SCC 632, the Hon'ble Supreme Court has held that creation/abolition, prescription of qualifications and other conditions of service, including avenues of promotions and criteria to be fulfilled for such promotion pertain to the field of policy, is within the exclusive discretion and jurisdiction of the State, the fact remains that the Rules as extracted above make it very clear that the substantive right for appointment to the post in Senior Time Scale of Pay cannot be taken away by mere delay in passing the Language Test.

23. In view of the above discussion, we do not find any merit in these



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writ petitions. Therefore, all these writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

(N.S.K., J.) (M.J.R., J.)
24.11.2025

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Internet : Yes

Index : Yes

Speaking Order

Neutral Citation : Yes / No

To

- 1.The Additional Chief Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests (HOD),
Tamil Nadu Forest Department,
Panagal Maaligai, Saidapet,
Chennai – 600 015.
- 3.The Principal Chief Conservator of Forests (HOD),

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Tamil Nadu Forest Department,
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W.P.Nos.37345, 37377, 37402,
37441 & 37548 of 2025



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W.P.Nos.37345 of 2025, etc.

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