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W.A.No.3161 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

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1. The Government of Tamil Nadu
Rep. by Secretary to Government
Environment and Forest Department
Secretariat, Chennai – 600 009.
 2. The Principal Chief Conservator of Forest
Head of the Forest Department
Panagal Maligai, Saidapet
Chennai – 600 015.
 3. The District Forest Office
Dindugal Circle, Velunachiyar Valagam
Dindugal Circle.
- Vs.
- N.Nithianathapandi
- .. Appellants
.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 12.01.2024 made in W.P.No.11233 of 2021.

For the Appellants : Mr.P.Anandakumar
Government Advocate

For the Respondent : Ms.R.Dharani

JUDGMENT

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

This intra-Court appeal has been directed against the order passed by the Writ Court dated 12.01.2024 made in W.P.No.11233 of 2021.



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2. The respondent/writ petitioner was initially working as a Driver at the appellant Department and after having worked for more than twenty years, when he sought regularization from the date of initial appointment, that was denied and therefore, seeking a mandamus, the respondent/writ petitioner had approached this Court by filing the said writ petition. The learned Judge, who heard the said writ petition, has allowed the same by following the earlier orders passed in W.P.(MD)No.11106 of 2013 dated 01.12.2016.

3. It is, in this context, we should notice that, as per the relevant Government Order, that is G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, only those temporary employees, who after completion of ten years of service would be entitled to get regularization. Even if such principle is applied to the present facts of the case, which, in fact, has been applied by the learned Judge in the said writ petition, that is W.P. (MD)No.11106 of 2013 by the order dated 01.12.2016, in the instant writ petition, that is in the impugned order, the learned Writ Court, while following the earlier decision of the Writ Court, referred to above, has allowed the present writ petition by giving directions to the appellant Department to regularize the services of the



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respondent/writ petitioner from the date of the initial appointment and not from the date of completion of ten years of service, which is *contra* to the decision taken in the said writ petition in its order dated 01.12.2016, which, in fact has been completely followed by the learned Writ Court in the present writ petition.

4. It is further to be noted that, even though such deviation has been there to give such a direction by the Writ Court to give regularization from the date of initial appointment and not from the date of completion of ten years from the date of initial appointment, however, the appellant Department has implemented the order, which is impugned herein, by passing the Government Order in G.O.(2D)No.127, Environment, Climate Change and Forest (FR.2. (II)) Department, dated 14.11.2024, where, *inter alia*, the following has been ordered:-

"11. In view of the above, the Government, after careful examination, accord permission to the Principal Chief Conservator of Forests to regularize the service of petitioner Thiru. N. Nithiananthapandi as Driver with effect from 03.07.2001 in relaxation of Rule 5 (height) and Rule 2 (method of appointment) of the Special Rules for the Tamil Nadu Forest Subordinate Services and also relaxation of G.O.(Ms)No.22, P&AR Department, dated 28.02.2006 and G.O. (Ms)No.74, P&AR Department, dated 27.06.2013 with all consequential service and attendant benefits, subject to the outcome of the writ appeal or any other legal proceedings.



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12. In exercise of the powers conferred under Section 58 of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, the Governor of Tamil Nadu hereby relaxes Rule 5 and 2 of the Special Rules of Tamil Nadu Forest Subordinate Services in respect of height in favour of the petitioner Thiru. N. Nithiananthapandi and ordered accordingly."

5. In view of the order, having been complied with and implemented, we do not see any reason to interfere with the directions given by the learned Judge, even for a slightest modification and therefore, we are inclined to dismiss the writ appeal by recording the aforesaid developments.

6. Resultantly, this writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.25710 of 2025 is closed.

(R.S.K., J.) (H.C., J.)
11.11.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

(drm)



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To:

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AND
HEMANT CHANDANGOUDAR, J.

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