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W.P.No.10523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10523 of 2024

and

W.M.P.Nos.11534 & 11535 of 2024

1.K.Raja Manickam

2.M.Krishnan

....

Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Environment, Climate Change and Forest Department,
Chennai -600 009.

2.The Principal Chief Conservator of Forests,
(Head Of Forest Force), Guindy,
Chennai -600 032.

3.The District Forest Officer,
The District Forest Office,
Tirupathur.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the 1st Respondent herein vide his proceedings in G.O.(2D) No. 34 Environment, Climate Change and Forests(FR.2ii) Department dated 17.02.2023 and G.O.(2D) No. 95, Environment, Climate Change and Forest



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(FR.2.ii) Department dated 03.05.2023 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to regularize the services of the petitioner as Forest Watchers from 08.03.1999 on par with their juniors for the purpose of pension and other retirement benefits.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 03.05.2023 passed by the first respondent, thereby rejecting the request made by the petitioner seeking regularisation of his service with effect from 24.01.1995 on par with similarly placed persons.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioners were appointed as Nominal Muster Roll Workers on daily wage basis in the Government Sandalwood Sales Depot, Tirupattur District, under the Environment, Climate Change and Forest Department of Government of Tamil Nadu. The first petitioner was appointed on 08.09.1980 and the second petitioner



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was appointed on 28.02.1981. However, their services were regularised only from 21.03.2018 by creating supernumerary post of Plot Watchers in the scale of Rs.2500 – 5000 with Grade Pay of Rs.500/-. The petitioners had rendered about 38 years of uninterrupted service. Since the petitioners were regularized only from 21.03.2018, they were denied pensionary benefits, since their services were regularized after the introduction of Contributory Pension Scheme with effect from 01.04.2003. With regard to the issue of regularisation of services of the Plot Watchers and Village Social Forestry Workers as Forestry Watchers, the Government issued G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994, prescribing SSLC as the minimum general educational qualification for appointment to the post of Forest Watcher as the post of Plot Watchers and Social Forestry Workers are non-cadre posts. Those who possessed SSLC qualification were directly absorbed as Forest Guards, while those who did not possess the SSLC qualification approached the Tamil Nadu Administrative Tribunal challenging the said Government Order.

4.The Tribunal directed the respondents to give preference to the Plot Watchers and Social Forestry Workers at the time of regularisation. At that juncture, the Government issued G.O.Ms.No.64, Environment and Forest



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Department, dated 08.13.1999, superseding the earlier G.O.Ms.No.332, dated 22.12.1994 by cancelling the same and ordering to prepare a state wide seniority list for the purpose of absorption of the Plot Watchers and the Social Forestry Workers as Forest Watchers. Accordingly, the Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, creating 3058 supernumerary post of Plot Watchers in the scale of pay of Rs.2500-5000 with Grade Pay of Rs.500/- in the special time scale of pay for the post of Plot Watchers.

5.Though the Association had filed an Original Application before the Tribunal in O.A.No.2160 of 1989, the same was pending for long time, along with 37 other employees, the petitioners filed several applications in O.A.No.1094 of 2003 seeking a direction to include their names in the list of daily wage employees to regularize their services as Forest Watchers. The Tribunal, by a common order dated 29.04.2003, issued directions in this regard. Subsequently, some of the petitioners filed another application in O.A.No.1747 of 2003 seeking regularisation of their services by appointing them as Forest Watchers in the time scale of pay. The said application was also disposed of by the Tribunal. However, the directions issued by the Tribunal in both the applications were not complied with by the respondents.



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6. In the meanwhile, the Tamil Nadu Administrative Tribunal was abolished. Thereafter, the applicants approached this Court by filling in W.P.No.9301 of 2011 seeking implementation of the orders passed by the Tribunal. This Court, by an order dated 28.04.2011, directed the respondent to implement the order passed by the Tribunal within a period of three months. Thereafter, the Government issued G.O.Ms.No.2(D) 61, Environment and Forest Department dated 13.07.2012, thereby regularising the services of 25 employees in the supernumerary post created under G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 in the scale of pay Rs.2500-5000 with Grade Pay of Rs.500/- in the special time scale of pay. However, the directions obtained by the petitioners were not complied with. Consequently, the petitioners were once again constrained to approach this Court in W.P.No.10952 of 2009 seeking a direction to absorb them and regularise their services. However, the request made by the petitioners was rejected on the ground that the petitions had not been sponsored through the Employment Exchange. Thereafter, the petitioners submitted representations stating that similarly placed persons, who were working in the petitioners' Sandal Wood Department in Thirupathur District, were regularised in the supernumerary post of Plot Watchers.



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7. In the meanwhile, the first respondent issued G.O.Ms.No.202, dated 18.12.2013, whereby 243 employees who had completed more than ten years of services were regularised in the supernumerary posts created under G.O.Ms.No.95, dated 07.08.2009. However, the petitioners were not considered and as such, once again, they filed a writ petition before this Court in W.P.No.34214 of 2014. This Court, by an order dated 22.12.2014, directed the respondents to consider the case of the petitioners. Ultimately, the petitioners were regularised by an order dated 21.03.2018 as supernumerary Plot Watchers in the time scale of pay of Rs.2500-5000 with Grade Pay of Rs.500/- in the special time scale of pay and they were brought on the time scale of pay as supernumerary Plot Watchers with effect from 17.04.2018.

8. Similarly placed persons, who had approached the Tamil Nadu Administrative Tribunal by filing Original Applications and this Court by filing Petitions, were regularized from the year 2003 onwards. Unfortunately, the petitioners were left out from consideration for regularisation at the relevant time, despite the fact that they had been continuously working from 08.09.1980 and 28.02.1981 respectively, without any break, till the date of their superannuation.



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9.A perusal of the counter filed by the third respondent and also the submissions made by the Additional Government Pleader reveals that the petitioners were engaged on daily wage basis for Sandal Wood cleaning based on day to day requirement. Therefore, they were not given regular appointment. On that ground, it was contended that they cannot be compared with other persons who were engaged for the same work. However, this contention cannot be countenanced for the simple reason that both the petitioners were certified that they had been worked from 08.09.1980 and 28.02.1981 without any break in service. Admittedly, similarly placed persons were regularised from time to time and even juniors to the petitioners were regularised and brought into time scale of pay on 08.03.1999. Therefore, the petitioners are also entitled to regularization of their services as Forest Watcher with effect from 08.03.1999.

10.In view of the above, the order passed by the first respondent cannot be sustained and is liable to be quashed. Accordingly, the same is hereby quashed. The respondents are directed to regularise the services of the petitioners as Forest Watcher with effect from 08.03.1999, notionally, for the purpose of pension and other retirement benefits. It is made clear that the petitioners are not



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entitled for any monetary benefits for the period for which they are seeking regularisation in the time scale of pay. The petitioners are eligible to be regularised notionally without any monetary benefit for the purpose of pension and other retirement benefits.

11.In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

13.11.2025

Neutral citation :Yes/No
Index:Yes/No
Speaking/Non speaking
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