



WEB COPY

WP No. 40166 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40166 of 2025

and

WMP No.45116 of 2025

1. N.Sekar

2.I Mohammed Vakkeel

3.K. Ayyandurai

4.V. Kamaraj

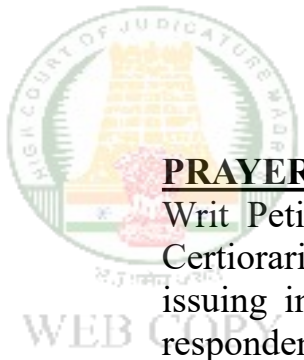
Petitioner(s)

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, Tamil Nadu State, 600 009

2.The Principal Chief Conservator of
Forest & Head of Forests Force,
Velachery Main Road, Guindy,
Chennai,
Tamil Nadu State 600 032

Respondent(s)

**PRAYER**

Writ Petition under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing in Lr. No LL1/ 1693/ 2023 dated 05.04.2023 on the file of the 2nd respondent and quash the same with consequential direction to the respondents to notionally regularize the petitioners service by relaxing the rules after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis on par with junior namely Mr. P.Muniyasamy seniority along with regular service as qualifying service for the purpose of getting pension and family pension in the light of Hon'ble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No.21627 of 2021 dated 07.10.2021 and W.P.(MD) No 12258, 15339 of 2024 dated 12.06.2024 and 10.07.2024 were complied in G.O (2D) No 127 dated 03.06.2023 and G.O (2D) No 32 and 33 dated 28.02.2025 and 03.03.2025 respectively of the 1st respondent as per Tamil Nadu Fundamental Rule 27 (17) to confer all consequential pensionary benefits within time frame as fixed by this Court.

For Petitioners: Mr.Kanna Patel I

For Respondents: Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 05.04.2023, thereby rejecting the request made by the petitioners seeking regularization by relaxing the rule after completion of ten years from the date of initial appointment as a plot watcher on daily wage basis.

2.Heard, the learned counsel appearing on either side and perused the materials placed before this Court.



3. In similar issues, the Hon'ble Supreme Court of India in the case of

Prem Singh Vs State of Uttar Pradesh and others in C.A.No.6798 of 2019

dated 02.09.2019, held as follows:-

“ 35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension.”

4. Thus, it is clear that the petitioners are also entitled to be regularized in their service from the date on which they complete ten years of service as Plot Watcher for the purpose of getting pension. Therefore, the petitioners made representations.

5. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the Government Letter in Lr. No LL1/1693/ 2023 dated 05.04.2023, is hereby quashed. The respondents are directed

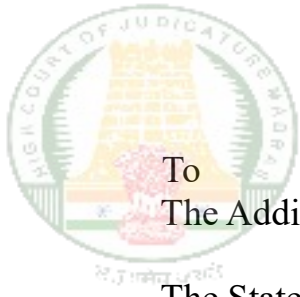


to consider the request made by the petitioners and pass orders on merits and in accordance with law, in the light of Hon'ble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No.21627 of 2021 dated 07.10.2021 and W.P.(MD) No 12258, 15339 of 2024 dated 12.06.2024 and 10.07.2024 were complied in G.O (2D) No 127 dated 03.06.2023 and G.O (2D) No 32 and 33 dated 28.02.2025 and 03.03.2025 respectively of the 1st respondent as per Tamil Nadu Fundamental Rule 27 (17) to confer all consequential pensionary benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petitions stand allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

28-10-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
mrn



To
The Additional Chief Secretary
to Government,
The State Of Tamil Nadu
Environment, Climate Change and
Forest Department,
Fort St George,
Chennai, Tamil Nadu State, 600 009

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