



W.P.No.39399 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM:

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

W.P.No.39399 of 2025
and
W.M.P.No.44246 of 2025

1.M.Velmurugan
2.S.Ramasamy
3.M.Namburajan

...Petitioners

-Vs-

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai-600009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy, Chennai-600032.

3. The District Forest Officer,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing G.O.(Ms) No.87, Environment and Forest (FR.2-II) Department dated 28.08.2019 (1st and 2nd petitioner) and in G.O. (2D) No.13, Environment and Forests



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(FR 2-II) Department dated 26.03.2018 (3rd petitioner) in on the file o the first respondent so far as the petitioners is concerned and quash the same and consequently directing respondents to regularize the service of petitioners as forest watcher from date of initial appointment or at least with effect from 08.03.1999 as a Forest Watcher daily rated service notionally for the purpose of getting pension same was done in respect of other persons namely M. Karunanidhi vide G.O.(2D) No.65 Environment, Climate Change and Forests (FR.2(ii)) Department dated 21.04.2025 and in the light of Honourable Supreme Court judgement delivered in C.A. No. 6798 of 2019 dated 02.09.2019 Order in W.P. No.21965 and etc., batch of 2023 dated 03.08.2023 same was implemented by the Government in G.O.(2D) No.98 Environment, Climate Change and Forest (FR.2(ii)) Department dated 24.09.2024 and order in W.P. No.18079 of 2019 dated 19.11.2024 confer all consequential pensionary benefits.

For Petitioner : Mr.S.Mani

For Respondents : Mr.C.Selvaraj
Additional Governance Pleader

ORDER

This Writ Petition has been filed calling for the entire records which culminated in issuing G.O.(Ms) No.87, Environment and Forest (FR.2-II) Department dated 28.08.2019 and in G.O.(2D) No.13, Environment and Forests (FR 2-II) Department, dated 26.03.2018 on the file of the first respondent so far as the petitioners are concerned and quash the same and



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consequently directing the respondents to regularize the services of petitioners as Forest Watcher from the date of initial appointment or at least with effect from 08.03.1999 as a Forest Watcher daily rated service notionally for the purpose of getting pension same was done in respect of other persons namely M. Karunanidhi, vide G.O.(2D) No.65 Environment, Climate Change and Forests (FR.2(ii)) Department dated 21.04.2025 and in the light of Honourable Supreme Court judgement delivered in C.A. No. 6798 of 2019 dated 02.09.2019 Order in W.P. No.21965 and etc., batch of 2023 dated 03.08.2023 same was implemented by the Government in G.O.(2D) No.98 Environment, Climate Change and Forest (FR.2(ii)) Department dated 24.09.2024 and order in W.P. No.18079 of 2019 dated 19.11.2024 and confer all consequential pensionary benefits.

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

3. The petitioners had joined in the Forest Department on daily wage basis, on 01.06.1995, 01.07.1993 & 01.02.1990 respectively, as Plot



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Watcher. As per G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, the petitioners were brought in regular time scale of pay in the service of Plot Watcher (supernumerary) in the non-cadre post from 12.09.2019 & 27.04.2018. Subsequently, they were promoted to the post of Forest Watcher on 01.04.2023 & 29.01.2023. Subsequently, they retired from service due to the attainment of age of superannuation. However, the petitioners did not get any pensionary benefits after their retirements, since their service was regularized only after 01.04.2003, viz., after the cut-off date fixed by new pensionary scheme for the purpose of getting pension. However, their juniors, whose services were regularized before 01.04.2003 are getting pensionary benefits. The respondents did not follow the seniority list in the matters of regularization of service to the employees engaged on daily wage basis. Till 1994, the only qualification for appointment of Plot Watcher is ability to read and write. However, as per G.O.Ms.No.332 Environment and Forest Department dated 22.12.1994, SSLC was prescribed as minimum general educational qualification for bringing employees into regular time scale of pay for the posts like Plot Watcher on daily wage basis. Therefore, so many of them



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could not be considered for appointment of Forest Watcher, since they did not possess SSLC as a qualification. So many persons approached the Tamil Nadu Administrative Tribunal and obtained an interim order. However, in the meantime, so many juniors were brought into regular time scale of pay in the post of Forest Watcher, in the year 1995. In order to wriggle out of the said situation G.O.Ms.No.64 Environment and Forest Department dated 08.03.1999 came to be passed, whereby G.O.Ms.No.332 Environment and Forest Department dated 22.12.1994 was superseded and revoked. Therefore, the prescription of SSLC qualification for appointment of Forest Watcher promoted from Plot Watcher and Social Forestry workers engaged on daily wage basis, is no longer in existence.

4. Therefore, the petitioners submitted detailed representations. Pursuant to G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, the petitioners were brought under regular time scale of pay in the non-cadre post of Plot Watcher (supernumerary) from 12.09.2019 & 27.04.2018. Thereafter, the petitioners retired from service, due to their



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attainment of age of superannuation. Since their service was regularized only after 01.04.2003, they were not granted any pension.

5. 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



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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.”

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

7. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, G.O.(Ms) No.87, Environment and Forest (FR.2-II) Department, dated 28.08.2019 and G.O. (2D) No.13, Environment and Forests (FR 2-II) Department dated 26.03.2018, are hereby quashed. The respondents are directed to consider the case of the petitioner and pass orders on merits and in accordance with law, in the light of the judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and the order passed in W.P.No.19023 of 2021 dated 09.09.2021, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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(2/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George,
Chennai-600009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy, Chennai-600032.
3. The District Forest Officer,
Ramanathapuram.

G.K.ILANTHIRAIYAN. J.

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