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W.P.No.43263 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM:

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

W.P.No.43263 of 2025

and

W.M.P.No.48449 of 2025

1.P. Gurusivan

2.M.Leelamma

3.M.Sundararaj

..... Petitioners

Vs

1.The State of Tamilnadu

Rep by its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department
Fort St.George,
Chennai, Tamilnadu State-600 009

2.The Principal Chief Conservator of Forest and

Head of Forests Force,
Velacherry Main Road, Guindy,
Chennai, Tamilnadu State-600 032

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing in Ref.No.LL1/35953/2023 dated 28.07.2024 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

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rules after completion of ten years from date of initial appointment as a Plot watcher on daily wage basis on par with regular service as qualifying service for the purpose of getting pension and family pension in the light of Hon'ble Supreme Court Judgement delivered in CA No. 6768 of 2019 dated 02.09.2019 and orders passed in WP No.18079 of 2019 dated 19.11.2024 WP No.19023 of 2021 dated 09.09.2021 WP(MD)No.12258 of 2024 dated 12.06.2024 and WP No.19605 of 2024 dated 15.07.2024 and were complied in GO (2D) No.33 dated on 03.03.2025 and G.O.(2D)No.65 dated 21.4.2025 respectively of the 1st respondent as per Tamilnadu Fundamental Rule 27(17)to confer all consequential pensionary benefits within time frame as fixed by this Court.

For Petitioner : Mr.I.Kannapatel

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to regularize the service of the petitioners after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis for the purpose of getting pension and family pension in the light of the Hon'ble Supreme Court judgment delivered in CA No. 6768 of 2019 dated 02.09.2019 and orders passed in WP No.18079 of 2019 dated 19.11.2024, WP No.19023 of 2021 dated 09.09.2021, WP(MD)No.12258 of 2024 dated 12.06.2024 and WP No.19605 of 2024 dated 15.07.2024 and were complied in GO (2D) No.33



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dated on 03.03.2025 and G.O.(2D)No.65 dated 21.4.2025 respectively of the 1st

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respondent as per Tamilnadu Fundamental Rule 27(17) to confer all consequential pensionary benefit

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

3. The 1st and 3rd petitioners and the husband of the second petitioner had joined in the Forest Department on daily wage basis, on various dates. As per G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, the 1st, 3rd petitioners and the husband of the second petitioner were brought in regular time scale of pay in the service of Plot Watcher (supernumerary), non-cadre post from 07.08.2009. Subsequently, they were promoted as Forest Watchers (Supernumerary post) in the cadre post on various dates. Subsequently, they retired from service due to the attainment of age of superannuation. However, the petitioners did not get any pensionary benefits after their retirement, since their service was regularized only after 01.04.2003, viz., after the cut-off date fixed by new pensionary scheme for purpose of getting pension. However, their juniors, whose service were regularized before



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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 the 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 the employees like Plot Watchers who are on daily wage basis into regular time scale of pay. Therefore, so many of them 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 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.



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4. 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 07.08.2009. Thereafter, the petitioners retired from service, due to their attainment of age of superannuation. Since their service was regularized only after 01.04.2003, they were not granted any pension. Hence, this writ petition.

5. The learned Special Government Pleader appearing for the respondents submitted that since, the number of Social Forestry Workers/Plot Watchers who are waiting for regular appointment is nearly 3000 but, the sanctioned posts are very meager in number in the department. The Government as a benevolent measure took a policy decision and issued order in G.O.Ms.No.95, Environment and Forest (FR.2) Department, dated 07.08.2009 to regularise the service of the persons in the State Wide Seniority Lit who have completed ten years of service in the department as Supernumerary Plot Watcher with a special time scale of pay.

6. Accordingly, all the remaining Plot Watchers in SWSL were regularised in one go by G.O.Ms.95, Environment, Climate Change and Forests



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(FR2(ii)) Department dated 07.08.2009. All the Plot Watcher/Village Social Forestry Workers accepted this and joined duty as Supernumerary Plot Watchers and were promoted to various posts such as Forest Watcher, Mali, Night Watch Man, etc based on their seniority. Since, the pensionary benefits were stopped from 01.04.2003 as per pension policy, those who were regularised on 07.08.2009 are not eligible for pensionary benefits. Hence, all the Plot Watchers/Village Social Forestry Workers are filing cases requesting to make them on par with their juniors who were appointed during 1995 by virtue of possession of minimum general educational qualification (i.e.S.S.L.C). This retrospective seniority enables them to get pensionary benefits if they are regularised on a prior date. Many Court orders were received stating that they should be treated in similar manner and when similar persons are getting pensionary benefits the litigants are also eligible for the same. Those persons who were appointed as Forest Watcher on 1995 are not included in the seniority list.

7. 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
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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.”

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



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9. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the Government Letter in Ref.No.LL1/35953/2023 dated 28.07.2024, is hereby quashed. The respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, in the light of the judgment delivered in CA No. 6768 of 2019 dated 02.09.2019 and orders passed in WP No.18079 of 2019 dated 19.11.2024, WP No.19023 of 2021 dated 09.09.2021, WP(MD)No.12258 of 2024 dated 12.06.2024 and WP No.19605 of 2024 dated 15.07.2024 and were complied in GO (2D) No.33 dated on 03.03.2025 and G.O.(2D)No.65 dated 21.4.2025 respectively of the 1st respondent as per Tamilnadu Fundamental Rule 27(17) to confer all consequential pensionary benefit, within a period of twelve weeks from the date of receipt of a copy of this order.

10. In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
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