



WEB COPY

WP No. 40793 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40793 of 2025

1. C.Subramaniyan
- 2.D.Ayyanar
- 3.V.Palayam
- 4.S.Seetharaman,
- 5.S.Maruthaiya
- 6.K.Balasundaram,
- 7.R.Elumalai
- 8.V.Subbarayan
- 9.C.Jagadesan
- 10.L.Selvaraj

..Petitioners

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-9.

2.The Principal Chief Conservator Of
Forests,
Head Of Forest Force, Forest Head
Quarters, Velachery Main Road,



Guindy, Chennai-32.

Respondent(s)

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Certiorarified Mandamus, calling for the records in Ref. No.LL3/ 18088/ 2023 dated 20.09.2023 of the 2nd respondent and to quash the same with consequential direction to the respondents to regularize the petitioners services in the cadre post of forest watcher by giving the benefit of relaxation of rule 5 of the TNFSS rules with respect to height with effect from 24.01.1995 for the purpose of getting pension in the light of the order passed in W.P. No.9708 of 2014 dated 12.09.2014 W.A. No.1703 of 2014 dated 20.01.2025 W.A. No.1838 and 1839 of 2018 dated 11.08.2021 and W.P. No.19003 of 2024 dated 10.07.2024 and also in the light of the orders made in G.O. (2D) No.48, Environment, Climate, Change and Forests (FR.2II) Department dated 07.04.2022, G.O.(2D) No.58, Environment, Climate Change and Forests (FR.2-II) department dated 20.04.2022, G.O.(2D) No.67, Environment, Climate Change and Forests (FR.2-II) Department dated 27.04.2022 with all consequential benefits.

For Petitioner(s): M/s. K.Jenitha

For Respondent: Mr. C.Selvaraj, AGP

ORDER

The prayer sought for in the writ petition is to call for the records in Ref. No.LL3/ 18088/ 2023 dated 20.09.2023 of the 2nd respondent and to quash the same with consequential direction to the respondents to regularize the petitioners services in the cadre post of forest watcher by giving the benefit of relaxation of rule 5 of the TNFSS rules with respect to height with effect from



24.01.1995 for the purpose of getting pension in the light of the order passed in

W.P. No.9708 of 2014 dated 12.09.2014 W.A. No.1703 of 2014 dated

20.01.2025 W.A. No.1838 and 1839 of 2018 dated 11.08.2021 and W.P.

No.19003 of 2024 dated 10.07.2024 and also in the light of the orders made in

G.O. (2D) No.48, Environment, Climate, Change and Forests (FR.2II)

Department dated 07.04.2022, G.O.(2D) No.58, Environment, Climate Change

and Forests (FR.2-II) department dated 20.04.2022, G.O.(2D) No.67,

Environment, Climate Change and Forests (FR.2-II) Department dated

27.04.2022 with all consequential benefits.

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

3. The petitioners were appointed as Social Forestry Workers/Plot Watchers on daily wage basis in the Forest Department in the year 1980 to 1986. Thereafter, the Government had drawn the State Wide Seniority list for conferment of permanent status as Forest Watcher. The petitioners were included in the State wide seniority after 35 years of their service. Without



following the seniority list, Government issued G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioners were brought into regular time scale of pay as Plot Watchers/Social Forestry Watchers with effect from 07.08.2009 that too in a non cadre post and after giving relaxation, they were brought into regular cadre post as Forest Watchers in 2009. The posts to which the petitioners were brought into regular time scale of pay is not a cadre post and it was only a supernumerary post. Therefore, the petitioners submitted representations seeking to consider in accommodating him in the regular cadre post of Forest Watcher by giving them relaxation with respect to height or age as the case may be, so as to enable the petitioner to get all the consequential benefits.

4. Similarly placed persons were granted relief in W.P.No.23647 of 2013 dated 12.09.2014. The said order was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.2072 of 2018 dated 11.08.2021. In fact, the said order was duly complied with by issuance of G.O.(2D).No.09 Environment, Climate Change and Forest (FR.2(II)) Department dated 08.02.2022. However, the representation of the petitioners has not been considered so far.



5. In similar matters, this Court considered the similar request in

W.P.Nos.21349 of 2023 and batch dated 03.08.2023 and held as follows:-

“7. Admittedly, the grievance of the writ petitioner is that he is seeking regularization of service for pensionary benefits. It is the contention of the writ petitioners that similarly persons have been given such benefits as per Government Orders in G.O.Ms.No.95, Environment and Forest Department, dated 07.08.2009, G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023 and G.O. [2D] No.9, dated 08.02.2022. Based on the Orders of this Court in W.A.No.2072 of 2018, dated 11.08.2021, the Government has issued the Government Order in G.O (2D) No. 08 Environment Climate Change And Forests (FR.2ii) Department dated 09.01.2023. As per the above Government Orders, the relief has been extended to similarly placed persons. Hence, the respondents are directed to consider the case of the petitioners in the light the above Government Orders, as the benefit has been extended to similarly placed person. In fact the plot watchers are frontline soldiers in forest and they are main protectors of the forest. These facts cannot be disputed by any one. Hence, while passing the Orders, the Government shall take into consideration the nature of service rendered by the petitioners and also the fact that when similarly placed persons have already been granted the relief, if the petitioners are not granted such relief, the same is nothing but discrimination and it violates Article 14 of Constitution of India. In such view of the matter, the respondent shall extend the benefits as per above Government Orders as it is extended to similarly situated persons.”



6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the Government Letter in Ref.No.LL3/18088/2023 dated 20.09.2023, is 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 order passed in W.P.Nos.21349 of 2023 and batch dated 03.08.2023, as the benefits have been extended to similarly placed persons, within a period of twelve weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition stands allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

28-10-2025

Index:Yes/No

Internet:Yes

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WEB COPY

WP No. 40793 of 20



1. The Additional Chief Secretary to Government, Environment, Climate Change And Forest Department, Fort St. George, Chennai-9.
2. The Principal Chief Conservator Of Forests,
Head Of Forest Force, Forest Head Quarters, Velachery Main Road, Guindy, Chennai-32.



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G.K.ILANTHIRAIYAN, J.

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