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W.P.No.41861 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.41861 of 2025

1. K.Murugesan
2. R.Venkatraman
3. C.Madeswaran
4. M.Murugesan
5. A.Munikrishnan
6. V.Ravichandran
7. T.Sivaprakasam
8. P.Masilamani
9. M.Durairasu
10. T.Samuvel
11. G.Ravi
12. K.Balasubramanian
13. K.Balasubramanian
14. M.Ponnusamy

... 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 Forest,
(Head of Department),
Forest Head Quarters,
Guindy,
Chennai-32.

... Respondents



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Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Certiorarified Mandamus, to call for the records to call for the records in G.O.(2D)No.39, Environment, Climate Change and Forest (FR.2(ii)) Department, dated 05.04.2024 on the file of the 1st respondent and to quash the same and consequently directing the respondents to regularize the petitioners services in the cadre post of Forest Watcher for the purpose of getting pension by giving relaxation in respect of height on par with their junior K.Annadurai, S.No.4686 with effect from 24.01.1995 in the light of the order passed in W.P. No. 9708 of 2014 dated 12.09.2014 same was confirmed by the Division Bench in W.A. No. 1703 of 2014 dated 20.01.2015, W.A. No. 1838 and 1839 of 2018 dated 11.08.2021 and implementation order passed by the 1st respondent in G.O. (2D) No.28, Environment, Climate Change and Forest (FR.2(ii)) Department, dated 05.03.2024 and in the light of the order passed in W.P. Nos. 21349 & etc. Batch of 2023 dated 02.08.2023, with all consequential benefits.

For Petitioners : M/s. K.Jenitha

For Respondents : Mr. C.Selvaraj,
Additional Government Pleader

O R D E R

This writ petition has been filed to call for the records in G.O.(2D)No.39, Environment, Climate Change and Forest (FR.2(ii)) Department, dated 05.04.2024 on the file of the 1st respondent and to quash



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the same and for consequently directing the respondents to regularize the petitioners' services in the cadre post of Forest Watcher for the purpose of getting pension by giving relaxation in respect of height on par with their junior K.Annadurai, S.No.4686 with effect from 24.01.1995 in the light of the order passed in W.P. No. 9708 of 2014 dated 12.09.2014 which was subsequently confirmed by the Division Bench in W.A. No. 1703 of 2014 dated 20.01.2015 and W.A. No. 1838 and 1839 of 2018 dated 11.08.2021 and implementation order passed by the 1st respondent in G.O. (2D) No.28, Environment, Climate Change and Forest (FR.2(ii)) Department, dated 05.03.2024 and in the light of the order passed in W.P. Nos. 21349 & etc. Batch of 2023 dated 02.08.2023, with all consequential benefits.

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

3. The case of the petitioners is that they were appointed as Social Forestry Workers/Plot Watchers in the Social Forestry Divisions in 1980 to 1986. The petitioners were included in the Statewide Seniority List as per G.O.Ms.No.64, Environment and Forest Department, dated 08.09.1999.



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Though the petitioners were appointed as Supernumerary Plot Watchers in 2014 and 2019 as per G.O.Ms.No.95, their juniors were appointed as Forest Watchers with effect from 24.01.1995. Therefore, the petitioners submitted representation to the respondents to appoint them as Forest Watchers by relaxing the rule with effect from the date of appointment of their juniors, i.e., 24.01.1995. As it did not evoke any response, the petitioners have filed W.P. No. 30555 of 2022 along with certain other similarly placed persons and the same was disposed of by this Court on 17.11.2022 with a direction to consider their claim in the light of the earlier orders passed by this Court as well as the Government Orders. However, the 1st respondent without proper consideration of the claim of the petitioners, rejected it by issuing the impugned order.

4. Similarly placed persons were granted relief in W.P.No.9708 of 2014 dated 12.09.2014. The said order was also confirmed by the Hon'ble Division Bench of this Court in W.A.No.1703 of 2014 dated 20.01.2015 and the Hon'ble Supreme Court of India in SLP.No.12056 of 2015. Certain other similarly placed persons were granted relief in W.P.No.25271 of 2014 dated 17.09.2014. The said order was also confirmed by the Hon'ble Division



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Bench of this Court and the Hon'ble Supreme Court of India.

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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



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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 Order in G.O.(2D)No.39, Environment, Climate Change and Forest (FR.2(ii)) Department, dated 05.04.2024, is hereby quashed. The respondents are directed to consider the case of the petitioners 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. There shall be no order as to costs.



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Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Additional Chief Secretary to Government of Tamil Nadu,
Environment, Climate Change and Forest Department,
Fort St. George, Chennai – 9.
2. The Principal Chief Conservator of Forest,
(Head of Department),
Forest Head Quarters,
Guindy,
Chennai-32.



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G.K.ILANTHIRAIYAN, J.

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