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W.P.No.42493 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM:

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

W.P.No.42493 of 2025

1. J.Ramakrishnan
2. D.Balakrishnan
3. A.Nanjappa
4. K.K.Gopalan
5. P.Dhanabalan
6. R.Durairaj

...Petitioners

-Vs-

1. The State of Tamil Nadu,
Represented 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 the Department),
Forest Head Quarters, Guindy,
Chennai-32.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to regularize our services after completion of ten years from the date of initial appointment as a Forest Watcher notionally by relaxing Rule 5(2)(b) of Special rules for the purpose of getting pension in the light of the Hon'ble Supreme Court Judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and order in W.P.No.19023 of 2021 dated 09.09.2021 same was implemented by the respondent in G.O.2(D) No.91, Environment, Climate Change and Forests [FR.2(II)]



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Department dated 30.06.2022 and order in W.P.No.21965 & etc. batch of 2023 dated 03.08.2023 and order with all consequential pensionary benefits.

For Petitioners : Ms.K.Jenitha
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to regularize the petitioners' services after completion of ten years from the date of initial appointment as a Forest Watcher notionally by relaxing Rule 5(2)(b) of Special rules for the purpose of getting pension in the light of the Hon'ble Supreme Court Judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and order in W.P.No.19023 of 2021 dated 09.09.2021 same was implemented by the respondent in G.O.2(D) No.91, Environment, Climate Change and Forests [FR.2(II)] Department dated 30.06.2022 and order in W.P.No.21965 & etc. batch of 2023 dated 03.08.2023 and order with all consequential pensionary benefits.

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



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3. This Court had already dealt with the similar issue in W.P.No.18999 of

2024 dated 10.07.2024, wherein this Court held as follows:-

“ 7. The learned Special Government Pleader relied upon the Judgment of this Court in W.P.No.(MD) No.21389 of 2015 dated 4.12.2020 in the case of A.Kasim Vs. Government of Tamil Nadu by its Additional Chief Secretary to Government, wherein it is held as follows :

“Para 4. This part, there were 5442 plot watchers in the seniority list, as per G.O.Ms.No.65, Environment and Forests (FR.2) Department, dated 08.03.1999. All these plot watchers were appointed in the regular post subject to their qualification and as and when the vacancies arose. The implication of the seniority is with reference to all the 5442 persons. Thus, such belated claim of re-fixation of seniority is entertained after lapse of many years. This would have larger repercussions and the settled seniority cannot be unsettled after many years and this part based on the state wide seniority list and based on the availability of vacancies, the plot watchers was regularly absorbed in the sanctioned post and retired from service”.

*8. 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



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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.”

9. Thus, it is clear that the petitioner is also entitled to be regularized in his service from the date on which he completes ten years of service as Plot Watcher for the purpose of getting pension. Therefore, the petitioner made a representation and the same was not considered.

10. In view of the above, 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 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 and the Government order in G.O.2(D) No.91, Forest Environment, Climate Change and Forest [FR.2(II)] Department dated 30.06.2022 and the order passed in W.P.No.21965 & etc. batch of 2023 dated 03.08.2023 and the order passed in W.P.No.34979 of 2023 dated 23.01.2024, within a period of twelve weeks from the date of receipt of a copy of this order.”

4. In view of the above Judgment passed by this Court in W.P.No.18999 of 2024 dated 10.07.2024, the petitioners are also entitled to be regularized in their service from the date on which they had completed ten years of service as Social Forestry Workers/Plot Watchers for the purpose of getting pension.

5. In view of the above observations, the respondents are directed to consider the representation of the petitioners and pass orders on merits and in



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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 and the Government order in G.O.2(D) No.91, Forest Environment, Climate Change and Forest [FR.2(II)] Department dated 30.06.2022 and the order passed in W.P.No.21965 & etc. batch of 2023 dated 03.08.2023, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs

05.11.2025
(½)

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

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



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G.K.ILANTHIRAIYAN. J,

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