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W.P.No.45598 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM:

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

W.P.No.45598 of 2025
and W.M.P.No.50797 of 2025

R.Lakshmi Bharathi

...Petitioner

-Vs-

1. Government of Tamil Nadu,
Represented By Its Principal Secretary to Government,
Environment and Forests (FR-2) Department,
Secretariat, Chennai 600 009.

2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road, Guindy,
Chennai -600 032.

... 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 order passed by the first respondent in Letter No.2350/ FR2(II) / 2017-4 dated 16.08.2017 and quash the same in so far as denial of monetary benefits for working period as forest watcher is concerned and directing the first respondent to pay monetary benefits from date of joining as Forest watcher from 18.08.2005 till 16.08.2017 as per Tamil Nadu Fundamental Rule 27(17) and light of the order passed in WP No.23478 of 2023 dated 27.03.2024 same was implemented by the first respondent in G.O. (2D)NO.55 Environment, Climate Change and Forest ((FR.2.(ii)) Department dated 26.03.2025.



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For Petitioner : Mr.S.Mani
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the Letter No.2350/ FR2(II) / 2017-4 dated 16.08.2017 and further, directing the first respondent to pay monetary benefits from date of joining as Forest watcher from 18.08.2005 till 16.08.2017 as per Tamil Nadu Fundamental Rule 27(17) and light of the order passed in WP No.23478 of 2023 dated 27.03.2024 same was implemented by the first respondent in G.O.(2D)NO.55 Environment, Climate Change and Forest ((FR.2.(ii)) Department dated 26.03.2025.

2. The petitioner and others had employed in the forest department as Forest Watchers. Prior to regularization of their service, they were engaged on daily wage basis. Thereafter, they were brought into regular time scale of pay of Forest Watcher, which is a cadre post. Therefore, they approached this Court and as directed by this Court the petitioner's services was regularized as Forest Watcher on 18.08.2005 and further promoted as Forest Guard on 27.02.2012.



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3. The specific case of the petitioner is that she has joined in the forest department on 01.04.1982 on daily wages. The petitioner and her juniors were included in the State wide seniority list drawn by the department by taking note of their date of joining in service on daily basis for bringing them into regular scale of pay of Forest Watcher. However, the seniority list was not maintained properly and the services of their juniors have been regularized on 24.01.1995. Therefore, the petitioner and others submitted representation and it was not considered as such, they were constrained to approach this Court in W.P.No.37630 of 2016, and the same was allowed by this Court by an order dated 06.11.2019 and directed to regularize their services on par with juniors.

4. As directed by this Court, the government issued order vide Letter No.2350/ FR2(II) / 2017-4 dated 16.08.2017, thereby regularizing the petitioner and others services notionally from 24.01.1995 however granted monetary benefits from the date of issue of the order. It is contrary to the fundamental rules and they are entitled to get monetary benefits with effect from the date of joining as Forest Watcher as per F.R.27(17) of the Tamil Nadu Fundamental Rules. It is relevant to extract the F.R. 27(17) of the Tamil Nadu Fundamental Rules, as follows:-



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"In case, where a government servant has been overlooked for promotion/appointment to the next higher post but subsequently promoted/appointed to that higher post after restoration of his original seniority on appeal, his pay shall be fixed on the date of assumption of charge in the higher post on par with the pay of his junior provided he has not drawn the same rate of pay as junior in the lower post from time to time. If he has not drawn the same rate of pay as his junior in the lower post, his pay shall be fixed, on the date assumption of charge, at the stage at which he would have drawn pay on that date had he been promoted/appointed to the higher post along with his junior. In cases where seniority has been restored on or after 19th September 1981, arrears of pay and allowance consequent of pay shall be admissible with effect from the date of assumption of charge in the higher post in cases where seniority has been restored prior to 19th September 1981 arrears shall be admissible only with effect from the above date."

5. The learned Additional Government Pleader appearing for the respondents submitted that the Rule 27(17) of the Tamil Nadu Fundamental Rules, is not applicable to the case of the petitioner. The petitioner is not entitled for monetary benefits from the date of his notional regularization in the cadre of Forest Watcher. The petitioner's date of regularization will be counted for the purpose of pension and other benefits only. Admittedly, the petitioner had not



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been discharged his duty as Forest Watcher from the date on which he notionally regularized as Forest Watcher. Only from the date of his joining as Forest Watcher, he discharged his duty as Forest Watcher. Therefore, F.R.27(17) cannot be pressed into service in this case.

6. Heard, the learned counsel appearing on either side and perused the materials placed before this Court.

7. On perusal of records revealed that the petitioner is seeking monetary benefits only from the date of her joining as Forest Watcher, as per F.R.27(17) of the Tamil Nadu Fundamental Rules and G.O(2D).No.124, Environment, Climate Change and Forests (F.R2(ii)) Department dated 17.08.2022. In fact, the seniority has already been fixed and the petitioner's service was duly regularized on par with his juniors. Therefore, she is entitled for monetary benefits from the date of his joining as Forest Watcher.

8. In view of the above, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the order dated 16.08.2017, passed by the first respondent in Letter No.2350/FR2(II)/2017-4 is hereby quashed. The petitioner is entitled for monetary benefits only from the date of her joining as



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Forest Watcher. The respondents are directed to pay monetary benefits to the petitioner from the date of her joining as Forest Watcher viz.,18.08.2005 till 16.08.2017, within a period of twelve weeks from the date of receipt of a copy of this Order.

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

21.11.2025
(1/3)

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

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Environment and Forests (FR-2) Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road, Guindy,
Chennai -600 032.



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G.K.ILANTHIRAIYAN. J,

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