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W.P.No.45599 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.45599 of 2025
and W.M.P.No.50800 of 2025

1. M.Balakrishnan
2. A.Munisamy

...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.9988/ FR2(II) / 2016-3 dated 16.03.2017 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 08.02.2009 (1st petitioner) and 09.05.2005 (2nd petitioner) till 16.03.2017 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



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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.9988/ FR2(II) / 2016-3 dated 16.03.2017 and further, directing the first respondent to pay monetary benefits from date of joining as Forest watcher from 08.02.2009 (1st petitioner) and 09.05.2005 (2nd petitioner) till 16.03.2017 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 petitioners 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 petitioners' services were regularized as Forest Watchers and they were further promoted as Forest Guards.



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3. The specific case of the petitioners is that they had joined in the forest department on 01.09.1981 and 01.06.1982 respectively on daily wages. The petitioners and their 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 petitioners 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.9988/ FR2(II) / 2016-3 dated 16.03.2017, 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 petitioners. The petitioners are not entitled for monetary benefits from the date of their notional regularization in the cadre of Forest Watcher. The petitioners' date of regularization will be counted for the purpose of pension and other benefits only. Admittedly, the



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petitioners had not been discharged their duty as Forest Watcher from the date on which they were notionally regularized as Forest Watcher. Only from the date of their joining as Forest Watcher, they discharged their 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 petitioners are seeking monetary benefits only from the date of their 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 petitioners' service were duly regularized on par with his juniors. Therefore, they are entitled for monetary benefits from the date of their 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 16.03.2017, passed by the first respondent in Letter No.9988/ FR2(II) / 2016-3, is hereby quashed. The petitioners are entitled for monetary benefits only from the date of their joining



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as Forest Watcher. The respondents are directed to pay monetary benefits to the petitioner from the date of their joining as Forest Watcher viz., 08.02.2009 (1st petitioner) and 09.05.2005 (2nd petitioner) till 16.03.2017, 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
(2/3)

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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