



W.P.No.28789 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28789 of 2018 and
W.M.P.No.33634 of 2018

A.Appusamy

... Petitioner

Vs.

1.The Principal Chief Conservator
of Forests,
Head of the Department,
Panagal Buildings,
Chennai 600 015.

2.The Conservator of Forests,
Salem Circle, Salem 636 007.

3.The District Forest Officer,
Salem Forest Division,
Salem 636 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent relating to the orders in (1) Pro.Lr.No.Pa.1/1493/2015 dated 17.10.2016 (2) Pro.Lr.No.Pa.1/1493/2015 dated 19.10.2016 and (3) Pro.Lr.No.Pa.1/1493/2015 dated 31.03.2017 to quash the same and issue



W.P.No.28789 of 2018

consequential directions to the respondent to grant the selection grade scale of pay with all consequential benefits including refund of the reduced amount within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Rajesh, Govt. Advocate(Forest)

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent relating to the orders in (1) Pro.Lr.No.Pa.1/1493/2015 dated 17.10.2016 (2) Pro.Lr.No.Pa.1/1493/2015 dated 19.10.2016 and (3) Pro.Lr.No.Pa.1/1493/2015 dated 31.03.2017 and to quash the same and issue consequential directions to the respondents to grant the selection grade scale of pay with all consequential benefits including refund of the reduced amount within a limited time frame.

2. Heard Mr.M.Ravi, learned counsel for the petitioner, Mr.S.Rajesh, learned Government Advocate (Forest) for the respondents and perused the materials available on record.



W.P.No.28789 of 2018

WEB COPY

3. The petitioner who was initially appointed as Forest Watcher on 25.10.1990 has been promoted to the post of Forest Guard in the year 1999. He was given with accelerated promotion to the post of Forester on 13.02.2005. On his completion of 10 years of service in the post of Forester, he was given with the selection grade pay. However, the same was cancelled subsequently on 17.10.2016 on flimsy grounds and thereafter, a recovery order has been issued by the third respondent to recover the selection grade increment paid to the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is entitled to get selection grade in the post of Forester for having completed 10 years of service in the said post and the recovery order issued by the third respondent is illegal.

5. The learned Government Advocate for the respondents submitted that according to G.O.No.68, Personnel and Administration Reforms dated 23.01.1986, the selection grade pay can be granted only for regular promotion and for regular service in the post and the



W.P.No.28789 of 2018

petitioner has been granted with temporary promotion and on account of his temporary promotion, he is not entitled to the selection grade. As the regular promotion for the petitioner would fall only from the panel year 2009-10, his selection grade would fall on and from 17.08.2010 only with reference to seniority and not any time before the said period. The expectation of the petitioner that he should be treated on par with regular promotees by regularising the period during which he was on *ad hoc* promotion cannot be considered.

Discussion:

6. The fact that the petitioner was promoted to the post of Forester on 13.02.2005 by way of accelerated promotion in recognition of his special service is not denied. It is also not denied that after having promoted to the post of Forester, the petitioner has been executing the functions of Forester on and from the day when he joined in the said post. Under such circumstances, an interpretation has been given to G.O.No.68, Personnel and Administration Reforms dated 23.01.1986 that selection grade can be given only to regular promotion and for those who



W.P.No.28789 of 2018

are in regular service in the post.

WEB COPY

7. The petitioner is very much a regular service employee. Though he has been given with accelerated promotion, that cannot be considered as an irregular promotion attached with any irregularity.

8. Had the petitioner been promoted out of turn by mistake or by any misrepresentation or due to any other factor for which the petitioner is liable, then it will be reasonable for the respondents to recall the order granting selection grade by counting the service of the petitioner from the date of his regular promotion.

9. The promotion to the post of Forester has been given to the petitioner in certain exceptional circumstances and as a reward for his exemplary service rendered by being a part of special task force.



W.P.No.28789 of 2018

10. Having been accommodated the petitioner in the promotional post of Forester and allowed him to render his services in that cadre for the past 10 years, it is unfair on the part of the respondents to give a different interpretation to G.O.No.68, Personnel and Administration Reforms dated 23.01.1986 and cancel the selection grade given to the petitioner. At no point of time, the promotion given to the petitioner has been withdrawn by calling it as an irregular or illegal promotion.

11. The Government Order in G.O.No.68, Personnel and Administration Reforms dated 23.01.1986 has been wrongly construed that selection grade is not applicable to a person who have been given with accelerated promotion due to some exemplary services. Once the petitioner gets into the promoted post, then all sequences like monetary benefit and service benefit will fall automatically without any hurdles.

12. By denying selection grade to the petitioner in the post of Forester, the petitioner is deprived to get selection grade even for his earlier post which he was holding prior to his accelerated promotion. Any



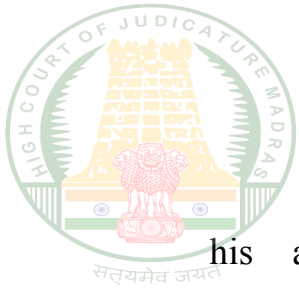
W.P.No.28789 of 2018

reward given to a person will not go to the detriment of that person.

WEB COPY

13. The petitioner who has been promoted as Forester cannot be downgraded either directly or indirectly by considering him as a person who is eligible to get promotion only from the panel year 2009-10, unmindful of the fact that he has already been promoted as early as in the year 2005 itself. The interpretation given to the terms of the Government Order in G.O.No.68, Personnel and Administration Reforms dated 23.01.1986 is contrary to its very object and the respondents had recalled the order allowing the petitioner to get selection grade scale even without giving him any notice. Hence, I feel it is appropriate to set aside the impugned order.

14. In view of the above stated reasons, this Writ Petition is allowed and the impugned orders passed by the third respondent are set aside. The third respondent is directed to refix the petitioner's pay by restoring the selection grade pay benefit already granted to him on his completion of 10 years of service in the post of Forester from the date of



W.P.No.28789 of 2018

his accelerated promotion. No costs. Consequently, connected
miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

05.02.2025



W.P.No.28789 of 2018

WEB COPY

To

- 1.The Principal Chief Conservator
of Forests,
Head of the Department,
Panagal Buildings,
Chennai 600 015.
- 2.The Conservator of Forests,
Salem Circle, Salem 636 007.
- 3.The District Forest Officer,
Salem Forest Division,
Salem 636 007.



WEB COPY



W.P.No.28789 of 2018

R.N.MANJULA, J.

gsk

W.P.No.28789 of 2018 and
W.M.P.No.33634 of 2018

05.02.2025