



W.A(MD)No.2935 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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P.Sakkarai

...Appellant

Vs.

1. The Principal Chief,
Conservator of Forests,
Panagal Buildings, Saidapet,
Chennai - 600 015.
2. The Conservator of Forests,
Madurai Circle,
Madurai - 625 002.
3. The District Forest Officer,
Theni Division,
Theni - 625 531.
4. The Wildlife Warden,
Megamalai Wildlife Division,
Theni -625 531.

...Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent to set



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aside the order made in W.P.(MD)No.18117 of 2016 dated 03.07.2025 on the file of this Court.

For Appellant : Mr.Aayiram K.Selvakumar
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

JUDGMENT

*(Delivered by **DR.ANITA SUMANTH, J.**)*

The appellant was the writ petitioner and had unsuccessfully put forth a challenge to an order passed by the Megamalai Wildlife Division dated 30.12.2015.

2. The facts have been captured succinctly in the order of the writ court and reiterated before us by Mr.Aayiram K.Selvakumar, learned counsel who appears for the appellant. The appellant had joined service on 09.01.1981, superannuating on 30.04.2014. Thereafter, he files a representation on 27.05.2015 wherein he seeks promotion and all consequential benefits as had been extended to his colleagues, specifically, one K.Soundarrajan. He places reliance upon a Circular issued in 1986 that provided for uniformed seniority across all divisions



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of the Forest Department.

3. The claim of the appellant had been contested on various grounds and Mr.Sadiq Raja appearing for the respondents reiterates the defence as put forth before the writ court. He points out that the representation is itself bleated and was filed an year after the petitioner's retirement. That apart, the appellant is not entitled to the relief sought even on merits in light of the extant Rules. As far as the claim of parity is concerned, the appellant had suffered various orders of reversion, including during his service and hence cannot claim parity with his colleagues.

4. Having heard both learned counsel, we are not inclined to entertain this writ appeal. There is no justification that has been put forth for the bleated claim of the representation in 2015 seeking promotion during his service with all consequential benefits. The claim is clearly an afterthought and hence the delay in representation of the claim would be fatal to the claim itself. That apart, on the claim of parity, the writ court has extracted the counter filed by the respondents, which, we reproduce herein below as well:-



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“5.It is humbly submitted that the petitioner by giving a representation to the respondents after a long period from his retirement and created a cause of action and invited an order from the fourth respondent and filed a writ petition challenging that order. Creation of cause of action after a long period and filing of the present writ petition is not maintainable as held by the Hon'ble Apex Court in Nawal Kishore Sharma case reported in 2015-1 LW 810. So the present writ petition is liable to be dismissed.

.....

8.I further state that whileso, by proceedings of the 1st respondent dated 9.4.1999 the petitioner was punished for reduction of pay to the bottom of time scale for 5 years with cumulative effect and he was also suffered reversion order of the 3rd respondent dated 13.5.1999 reverting the petitioner to the lower post. The petitioner challenged the same before the Hon'ble Tamil Nadu State Administrative Tribunal and on the strength of the interim order the petitioner was allowed to join service and the said case was transferred as writ petitions before the Hon'ble High Court, Madras in WP Nos.41633 of 2006 & 19469/2007 which were dismissed on 26.6.2009. Subsequently the petitioner joined the service on 3.12.2010 as Forest Watcher, he lost his seniority, he did not claim either his seniority or filed any appeal against any list of seniority or made any claim for his promotion during his service after dismissal of his writ petition and retired on 30.4.2014 without any claim for seniority or promotion. In fact, the petitioner was allowed to join service as Forest Watcher from 1999 only on the basis of the interim order of the



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court.”

5. A perusal of the paragraphs above, shows that the appellant has been visited with the punishment of revision of pay and reversion and hence on account of punishments suffered, he cannot claim parity with his colleagues.

6. In light of discussions as above, we are of the categorical view that there is no merit in this writ appeal and hence dismiss the same. No costs.

[A.S.M.J.] [C.K.J.]
17.10.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps/ssm



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