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WP No. 3020 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos. 3020, 3024 and 3031 of 2026

and

WMP Nos. 3425, 3427, 3405, 3408 and 3431 of 2026

W.P No.3020 of 2026

1.R.Vijayakumar
S/o Rajarathinam,
No 3/537, Vetrinagar,
Kerada Mattam, Kodanad,
Kotagiri, The Nilgiris,
Tami Nadu-643 217

2.M. Bosemani
S/o Manikkam,
No 4/177 V.P.Gandhi Nagar, Kotagiri,
VTC Kodanad Post, Kotagiri
The Nilgiris, TamilNadu- 643 217

3.A. Sivakumar
S/o Angan,
No 2/25, Kanadimalai Post,
Kothimutku, Denad, Keel Kothagiri,
The Nilgiris, Tamil Nadu-643 216

..Petitioner(s)

Vs

1.The State of Tamil Nadu
Rep., by its Additional Chief Secretary to



Government,
Environment, Climate Change and Forest
Department,
Fort St. George, Chennai,
Tamil Nadu-600 009
2.The Principal Chief Conservator of Forest and
Head of Forests Force,
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu- 600 003

..Respondent(s)

WP No. 3031 of 2026

S.Ponnusamy
S/o Sengamalai
D. 43 Forest College Campus,
Cowley Brown Road,
RS Puram, Coimbatore South,
Rathinasabapathy Puram,
Coimbatore
Tamil Nadu -641 002

..Petitioner(s)

Vs

1.The State of Tamil Nadu
Rep., by its Additional Chief Secretary to
Government,
Environment, Climate Change and Forest
Department,
Fort St. George, Chennai,
Tamil Nadu-600 009
2.The Principal Chief Conservator of Forest and
Head of Forests Force,
Velachery Main Road, Guindy, Chennai,
Tamil Nadu-600 003

..Respondent(s)



WP No. 3024 of 2026

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1.S. Natarajan
S/o Sakthivel,
No 137, West Poothampatti,
Poothampatti Post, Srirampuram,
Dindigul Srirampuram,
Tamil Nadu -624 702

2.M. Kizer Mohammed
S/o Mohammed Sheriff,
No 27/F, North Mahaliamman Kovil Street,
Anaimalai Post, Pollachi, Coimbatore,
Tamil Nadu 642 104

3.S. Ramachandran
S/o Supaiya,
No 5/1228, Omnagar, S Kaikatty Post, Denad,
Keel Kotagiri,
The Nilgiris,
TamilNadu 643 216

..Petitioner(s)

Vs

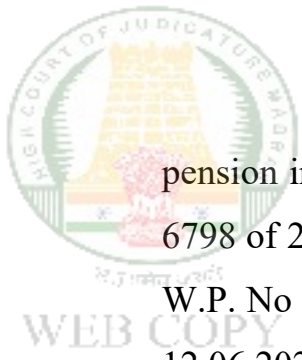
1.The State of Tamil Nadu
Rep., by its Additional Chief Secretary to
Government,
Environment, Climate Change and Forest
Department,
Fort St. George, Chennai, Tamil Nadu- 600 009
2.The Principal Chief Conservator of Forest and
Head of Forests Force,
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu-600 003

..Respondent(s)



PRAYER in W.P No.3020 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certirarified Mandamus, calling for the entire records which culminated in issuing in Ref No HOTNFD / LL1 / 14215 / 2025 dated 20.11.2025 on the file of the 2nd respondent and quash the same with consequential direction to the respondents to notionally regularize the petitioners' service by relaxing the rules after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis on par with Junior Namely Mr. M. Karunanidhi Seniority along with regular service as qualifying service for the purpose of getting pension and family pension in the light of Honble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No 21627 of 2021 dated 07.10.2021, W.P. (MD) No 15339 of 2024 dated 10.07.2024 W.P. No 19605 of 2024 dated 15.07.2024 and W.P.No 18079 of 2019 dated 19.11.2024 were complied in G.O. (2D) No 127 dated 03.06.2023, G.O (2D) No 32 dated 28.02.2025 and G.O (2D) No 65 dated 21.04.2025 respectively of the 1st respondent as per Tamil Nadu Fundamental Rule 27 (17) to Confer all consequential pensioner benefits within time frame as fixed by this Hon'ble Court.

PRAYER in W.P No.3031 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certirarified Mandamus calling for the entire records which culminated in issuing in Ref No HOTNFD / LL1 / 14215 / 2025 dated 20.11.2025 on the file of the 2nd respondent and quash the same with consequential direction to the respondents to notionally regularize the petitioners service by relaxing the rules after completion of ten years from the date of initial appointment on 01.02.1989 as a Plot Watcher on daily wage basis on par with Junior namely Mr. N. Ramanathan Seniority along with regular service as qualifying service for the purpose of getting pension and family



pension in the light of Hon'ble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No 21627 of 2021 dated 07.10.2021, W.P. (MD) No.12258 of 2024 dated 12.06.2024 W.P. No 19605 of 2024 dated 15.07.2024 and W.P.No 18079 of 2019 dated 19.11.2024 were complied in G.O. (2D)no 127 dated on 03.06.2023, G.O (2D) No 33 dated on 03.03.2025 and G.O (2D) No 65 dated 21.04.2025 respectively of the 1st respondent as per Tamil Nadu Fundamental Rule 27 (17) to Confer all consequential pensioner benefits within time frame as fixed by this Hon'ble Court.

PRAYER in W.P No.3024 of 2026: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certirarified Mandamus, calling for the entire records which culminated in issuing in Ref No HOTNFD / LL1 / 14215 / 2025 dated 20.11.2025 on the file of the 2nd respondent and quash the same with consequential directing to the respondents to notionally regularize the petitioners service by relaxing the rules after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis on par with junior Namely Mr. M. Karunanidhi Seniority along with regular service as qualifying service for the purpose of getting pension and family pension in the light of Honble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No 21627 of 2021 dated 07.10.2021, W.P. (MD) No 15339 of 2024 dated 10.07.2024 W.P. No 19605 of 2024 dated 15.07.2024 and W.P.No 18079 of 2019 dated 19.11.2024 were complied in G.O. (2D)no 127 dated on 03.06.2023, G.O (2D) No 32 dated on 28.02.2025 and G.O (2D) No 65 dated 21.04.2025 respectively of the 1st respondent as per Tamil nadu Fundamental Rule 27 (17) to Confer all consequential pensioner benefits within time frame as fixed by this honble Court



In all the writ petitions

For Petitioners: Mr.Kanna Patel.I

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For Respondents: Mr.C.Selvaraj
Additional Government Pleader

COMMON ORDER

These three petitions have been challenging the impugned order of the 2nd respondent dated 20.11.2025 and consequently seeking a directing to the respondents to notionally regularize the petitioners' service by relaxing the rules after completion of ten years from the date of initial appointment as a Plot Watcher on daily wage basis on par with Juniors, namely Mr. M. Karunanidhi and N.Ramanathan Seniority along with regular service as qualifying service for the purpose of getting pension and family pension in the light of Honble Supreme Court Judgment delivered in C.A. No 6798 of 2019 dated 02.09.2019 and Honble Madras High Court orders passed in W.P. No 21627 of 2021 dated 07.10.2021, W.P. (MD) No 15339 of 2024 dated 10.07.2024 W.P. No 19605 of 2024 dated 15.07.2024 and W.P.No 18079 of 2019 dated 19.11.2024 were complied in G.O. (2D) No 127 dated 03.06.2023, G.O (2D) No 32 dated 28.02.2025 and G.O (2D) No 65 dated 21.04.2025 respectively of the 1st respondent as per Tamil Nadu Fundamental Rule 27 (17) to Confer all



consequential pensioner benefits within time frame as fixed by this Hon'ble Court.

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2.The learned counsel for the petitioners would submit that the petitioners were appointed on daily wage basis in the Forest Department as Social Forestry Workers on various dates. The above said post is a non-cadre post, in which more than 3000 persons had been appointed throughout the State, during the relevant period, including the petitioners. As per Tamil Nadu Forest Service Rules, the qualification required for holding the post of Forest Watcher is “ability to read and write”. As against the said Rule, the Government issued G.O.Ms No.332, Forest Department, imposing a new condition to have a pass in SSLC for holding the regular post of Forest Watcher. However, the issue was subsequently settled by this Court in W.P No.15561 of 2006 and W.P No.23374 of 2008 and those writ petitions were allowed by issuing a direction to the 2nd respondent to bring those who had completed 10 years of service and possessed the qualification of “ability to read and write” into the regular time scale of pay in the post of Forest Watcher, by creating the supernumerary post of Plot Watcher. Aggrieved by the said orders, the respondents preferred an appeal before the Division Bench in W.A No.690 of 2008 and 607 of 2010, which were dismissed. Thereafter, the Government implemented the aforesaid orders of this Court and granted regular time scale of pay to the petitioners on



par with their juniors. Subsequently, their services were regularised as Forest Guard and Forest Watcher.

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2.1. However, the grievance of the petitioners is that the petitioners' services were regularised only in the year 2009 by granting them time scale of pay, and thereafter, they were promoted as Forest Watcher and Forest Guard. Their earlier services rendered as daily wages employees were not regularised. If their earlier services had been regularised, they would have been entitled to receive pension. Hence, the petitioners filed W.P Nos.31208, 31711, 31213 and 31210 of 2019, and this Court, by order dated 06.11.2019 issued a direction to the respondents to consider the petitioners representations and regularise the services of the petitioners as Forest Watcher on par with their juniors, in the light of the orders passed by this Court. Pursuant to the said direction, the impugned order was passed on the ground that, by relying on the judgment of the Full Bench of this Court in W.A No.158 of 2016 etc batch, *“those Government Servants who were appointed in the aforesaid four categories before the cut off date ie. 01.04.2003 and later appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension”*. However, the petitioners claimed full pension and not half pension.



Therefore, the impugned order suffers from non-application of mind. Hence, he prayed for appropriate orders.

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3.Per contra, the learned Additional Government Pleader appearing for the respondents would submit that the issue involved in the present writ petitions is no longer *res integra* and the same was decided by the Full Bench of this Court, in W.A.No.158 of 2016 etc batch dated 03.12.2019 wherein, it was clearly held as follows:

i) In case, a Government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such service rendered shall be counted for the purpose of conferment of pensionary benefits.

ii) Those Government Servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

Hence the claim made by the petitioners is misconceived. Hence, he prayed for dismissal of the present writ petitions.



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

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5. The facts of the present case are not in dispute. Admittedly, the petitioners claim that they were appointed as daily wage employees in the post of Forest Watcher between 1965 and 1970. However, they were brought into the regular time scale of pay by creating supernumerary posts, pursuant to the direction issued by this Court, only in the year 2009 and 2010. Subsequently, they were promoted as Forest Watcher and Forest Guard in the years 2014, 2015, 2018, 2019, 2020, 2023 and 2024. However, the petitioner, namely, Ponnusamy in W.P No.3031 of 2026, retired on 31.05.2025 and the other petitioners are due to retire in the future. They claim that they are entitled to full pension, if their services are regularised from the date of their initial appointment. However, admittedly, they were brought into the regular time scale of pay only between 2009 and 2010 and were subsequently absorbed as Forest Watcher and Forest Guard in the years 2014, 2015, 2018, 2019, 2020, 2023 and 2024. The decision of the Full Bench of this Court in W.A.No.158 of 2016 etc batch is as follows:



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38. *In the light of the above, we answer the reference as follows:*

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003.

ii) Those Government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

iii) In case, a Government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such service rendered shall be counted for the purpose of conferment of pensionary benefits.

iv) Those Government Servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to



count half of their past service for the purpose of determination of qualifying service for pension.

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v) Those Government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension”.

6. The aforesaid decision makes it clear that Government servants who were appointed as daily wages employees before the cut off date, but, whose services were absorbed into regular service after 01.04.2003, are not entitled to count even half of their past service for the purpose of determination of qualifying service for pension. When the petitioners are not entitled to count even half of their service in terms of 11(4) of the Tamil Nadu Pension Rules, 1978, and in view of the decision of the Full Bench of this Court , their claim for retrospective regularisation, after a decade from the date of their regularisation, is impermissible. Hence, the impugned order does not warrant interference



7. Accordingly, these three Writ Petitions stand dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA

To

1.The Additional Chief Secretary to Government,
Environment, Climate Change and Forest
Department,
Fort St. George,
Chennai,
Tamil Nadu State 600 009

2.The Principal Chief Conservator of Forest and
Head of Forests Force,
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WP No. 3020 of 2



M.DHANDAPANI J.

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and
WMP Nos. 3425, 3427, 3405, 3408 and 3431 of 2026**

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