



W.P. No.6145/2024, etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
03.02.2026	13.02.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.6145, 17629 OF 2024

W.P. NOS. 1829, 7300, 19059, 19445, 20426, 25775 & 50659 OF 2025

AND

W.M.P. NOS. 3420, 3422, 3424 & 3561 OF 2026

**W.M.P. NOS. 28974, 28973, 37517, 19435, 21716, 32742, 32727,
21719, 21717, 21720, 23039, 24306, 2086, 2082, 2088, 8126, 40791, 56742,
56743 OF 2025 & 6801 OF 2024 & 21366, 21367 & 21368 OF 2025**

W.P. No.6145 of 2024

1. K.R.Cholarajan
2. R.Ravi
3. S.Gunasekaran
4. L.Krishnamoorthy

.. Petitioners

- Vs -

1. The State of Tamil Nadu
Rep. By its Addl. Chief Secretary
To Government, Environment, Climate
Change & Forest Department
Fort St. George, Secretariat
Chennai 600 009.
2. The Principal Chief Conservator of Forests
Head of Forest Force
Velacherry Main Road
Guindy, Chennai 600 032.



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3. B.K.Vasu
 4. M.Sadasivam
 5. N.Krishnakumar
 6. S.Vimal Kumar
 7. N.Mariappan
 8. V.Pugalenth
 9. S.Chendura Sundaresan
 10. M.Krishnasamy
 11. D.Saravanan .. Respondents
- (RR-3 to 10 impleaded vide order dated 13.11.2024
R-11 impleaded vide order dated 21.02.2025)

W.P. No.6145 of 2024 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the impugned order passed by the 2nd respondent dated 20.02.2024 in Ref. No.B2/24517/2023-1 and quash the same; consequently direct the respondents to refix the seniority of the petitioners from the date of their appointment as Forest Apprentice on 08.12.2014 and grant promotion for the post of Assistant Conservator of Forests based on their seniority.

For Petitioners : Mr. R.Shunmuga Sundaram, SC, for
Mr. M.R.Jothimanian in WP
6145/24
Ms. K.Suriyaprabha in WP
17629/24
Mr. V.Vijayashankar in WP 1829,
7300 /2025
Mr. Mr.B.Vijay in WP 19059/2025
Mr. N.L.Rajah, SC, for
Mr. M.R.Jothimanian in WP
19445/25
Mr. S.R.Rajagopalan, SC, assisted



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By Mr. S.S.Nalli Arvindsamy in WP
20426/25

Mr. S.R.Rajagopal, SC, assisted
By Mr. Aditya Sarangarajan in WP
25775/25

Mr. S.R.Rajagopal, SC, assisted
By Mr. Lamech Indian in WP
50659/25

For Respondents : Mr. R.Neelakandan, AAG,
Assisted by Dr. T.Sreenivasan, Spl.
GP for RR-1 & 2 in WP 6145/2024
& 1829/25 and for RR-1 to 3 in WP
17629/24 & 19059/2025
Ms.Dakshayini Reddy, SC, for
Ms.S.Suneetha for RR-3 & 4 in WP
6145/2024 & for RR-74 & 75 in WP
20426/25
Mr. G.Sankaran, SC, for
Mr.J.Jayamalan for R-5 in WP
6145/2024
Mr. K.Srinivasamurthy for RR-6 to
10 in WP 6145/2024
Mr. R.Murali for R-11 in WP
6145/2024 & for R-60 in WP
20426/2025
Ms. K.Jenitha for RR-3 & 4 in WP
1829/2025 and for R-62 in WP
20426/2025
Mr. N.Subramaniyan for R-76 in
WP 20426/2025
Mr. T.Dharani for RR-109, 110,
115, 119 & 120 in WP 20426/2025
No appearance for RR-3 to 12, 59,
61, 63 to 73, 78 to 83, 85 to 108,
111, 118, 121 to 142
Not ready Notice – RR-77 and 84 in
WP 20426/2025



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COMMON ORDER

The aforesaid batch of writ petitions have been filed before this Court broadly seeking the following reliefs :-

- i) Refix the seniority of the petitioners by fixing their date of appointment in the post of Forest Apprentice on 8.12.2014 and prepare a fresh inter se seniority list;*
- ii) Prepare seniority list as per the eligibility criteria prescribed in Rules 2, 5 and 9 of the Tamil Nadu Forest Subordinate Service Rules (for short 'FSS Rules');*
- iii) Assailing the relaxation granted under G.O. Ms. No.174 dated 22.12.2009 and G.O. Ms. Nos.319, 145, 199 and 147 by relaxing the 8 year service period to 6 years;*
- iv) To grant time scale of pay of Rs.9300-34800 to the petitioners with Grade Pay – Rs.4600/- from their date of initial appointment as Forest Apprentice as per notification dated 23.12.2010;*
- v) Challenging the normalization method prescribed for fixing the inter se seniority of Forest Apprentice who underwent training at different centres, insofar as the direct recruits belonging to 2010-2011 batch and fix their seniority retrospectively; and*
- vi) Quash the letter dated 5.5.2025 in Ref. AA1/7007/2024 and letter dated 2.7.2025 in Ref. No.B2/32526/2023 as*



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contrary to G.O. Ms. No.101 and declare the same as ultra vires, arbitrary and illegal.

2. The concise facts, which are necessary for appreciating and deciding the issue, are stated hereunder :-

Notification dated 24.11.2010 was issued by the Tamil Nadu Public Service Commission calling for recruitment to the post of Forest Apprentice in the FSS Rules included in Group VI Services in respect of the vacancies for the years 2006-07, 2007-08 and 2008-09 in the scale of pay of PB-2 Rs.9300 – 34800/= + GP Rs.4600/-. Pursuant to the selection process, provisional list was published, which was assailed before this Court, which ended up in appeal and, thereafter, before the Supreme Court through a Special Leave Petition and ultimately, the post of Forest Apprentice, which was the outcome of the aforesaid selection process was filled up by way of appointment order on 1.12.2014 of the 2nd respondent and the petitioners joined duty on 8.12.2014.

3. Upon their joining, the petitioners were sent for training and upon satisfactory completion of training, the petitioners' probation was approved by regularisation of their service from the date of appointment on 8.12.2014 by including the period of training as duty as provided under Rule 9 (6)(a)(i) and (b)



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(i) of the Fundamental Rules of the Government of Tamil Nadu and Rule 9 (a) of the FSS rules and, they were appointed as Forest Range Officers and are presently working as Forest Range Officers for more than 9 years. It is the specific case of the petitioners that their seniority has not been considered by the respondents from the date of selection and the delay in their appointments, for no fault of theirs but, purely attributable to the department and, therefore, the petitioners claimed that they are entitled to seniority from the date of selection, as has been the consistent ratio laid down by the Apex Court.

4. It is the further averment of the petitioners that the manner in which the training period is to be calculated as duty period as per FR 9 (6)(a)(i) and (b) (i), which is spelt out in Letter No.(D) 131 dated 7.5.2010 which clearly states that the training period is to be reckoned as duty period and, therefore, the services of the petitioners having been regularized from the date of appointment/joining the post, which includes training period, the petitioners have been granted all the service benefits by various orders by the respondents.

5. It is the further averment of the petitioner that Rule 5 of the FSS Rules mandates that promotion to the post of Forest Range Officer (for short 'FRO')



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would be from amongst the Foresters, who have served as Forester for not less than 8 years, but curiously, the said service condition has been relaxed by the 1st respondent vide G.O. Ms. No.68, Environmental Forest Dept., dated 14.5.2013 and, they were temporarily promoted as Forest Range Officers vide order dated 31.7.2013 u/r 39 (a)(i) of the Tamil Nadu State and Subordinate Service Rules.

6. It is the further averment of the petitioners that the promotees have been working temporarily and their services have not been regularized and the inter se seniority amongst the FRO between the promotees and direct recruits, including the petitioners have not been fixed, inspite of the selection of direct recruitment dating back to the year 2012.

7. It is the further averment of the petitioners that Rule 5 of the FSS Rules provides Rota quota for the post of FRO of which 45% is to be filled up through direct recruitment, viz., from Forest Apprentice, 54% by way of promotion from among the Foresters and 1% by recruitment by transfer from the ministerial service. It is the further averment of the petitioner that to a RTI query made, the respondents have stated that the posts earmarked for 45% direct recruitment quota is also occupied by the promotees, which clearly shows that the Rota quota



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system has not been followed from the year 2005 onwards, which clearly blocks the avenue meant for direct recruits to the post of FRO.

8. It is the further averment of the petitioners that the next avenue of promotion for FRO is to the post of Assistant Conservator of Forest for which FRO is the feeder category and, therefore, seniority in the post of FRO is crucial for promotion. FRO's who have completed 8 years of service as per Rule 4 (2) of the FSS Rules are entitled for getting promotion to the post of Assistant Conservator of Forest and the petitioners having already put in more than 9 years as FROs are eligible to get promotion. Further, the petitioners were selected in the year 2012 and, but for the legal hurdle in the form of petitions before this Court and the Apex Court, the petitioners were appointed and joined duty only on 8.12.2014 and their services were regularized from 8.12.2014 and, therefore, the seniority of the petitioners is to be counted on and from 8.12.2014 and, hence, their seniority should be fixed from 8.12.2014, viz., the date of their regularization.

9. It is the further averment of the petitioners that since the year 2016, the petitioners have given various representation with regard to fixation of seniority from the date of selection and include the petitioners for consideration for



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promotion to the post of Assistant Conservator of Forest, but without considering the case of the petitioners for seniority, vide G.O. (D) No.155, Environment, Climate Change and Forest Department dated 6.7.2022, relaxation of service qualification from 8 years to 6 years has been granted to the promotes u/r 4 (2) of the FSS Rules and such relaxation has been granted without fixing the inter se seniority between the FRO's and publication of such panel, which is causing grave prejudice to the petitioners.

10. It is the further averment of the petitioners that on 5.4.2023, the 1st respondent has issued G.O. (2D) No.75 with regard to promotion for the post of Assistant Conservator of Forest (for short 'ACF') and notifying 26 vacancies to be filled up by recruitment by transfer and while the promotees to the post of FRO's have been included as per the crucial date, viz., 15.08.2022, however, the petitioners seniority have not been counted from the date of selection which, if not protected by fixing the date of appointment of the petitioners as the date of entering into service in the post of FRO, the petitioners names have not been included in the panel of FROs fit for promotion as ACF.



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11. It is the further averment of the petitioners that a panel was published by the 1st respondent for the year 2022-2023 on 27.07.2023 in which the names of 40 persons upto the year 2015 was included, but the names of the petitioners were not included, inspite of the fact that the petitioners were senior with their date of appointment dating back to December, 2014. It is the further averment of the petitioner that one person in the cadre of Forest Ranger, who was promoted on 19.01.2015, was promoted, but the petitioners were not promoted inspite of the fact that the petitioners were senior to the said person. In view of the failure of the respondents to publish the senior list of the FRO from the year 2013 onwards, the petitioners name were not considered for inclusion in the seniority list of FRO for the year 2022-2023. Therefore, it is imperative that before finalising the selection, the seniority list of FRO with the inter se seniority between the promotees and the direct recruits should be finalised before granting promotion based on the Government Order dated 5.4.2023.

12. It is the further averment of the petitioners that in the aforesaid circumstances, the petitioners filed W.P. No.24424/2023 seeking a direction to the respondents therein to fix the seniority of the petitioners from the date of their selection in the year 2012 and publish inter se seniority list among the FRO



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for the panel year 2022-2023 so as to enable the petitioners to get promotion to the post of ACF and this Court vide order dated 18.8.2023 directed the respondents therein to publish the entire seniority by including the petitioners and if the petitioners are eligible for promotion, they shall be considered.

13. It is the further averment of the petitioners that pursuant to the said order, the 2nd respondent published the seniority list amongst the FRO as on 1.1.2022 on 19.2.2024 in which the petitioners were included, but strangely their date of joining was shown as 25.10.2016 instead of 8.12.2014, which is contrary to the date of regularisation of service of the petitioners. It is the further averment of the petitioners that though representation was given to correct the date of joining of the petitioners by reckoning their joining from the date of their selection, however, the 2nd respondent vide order dated 20.02.2024 rejected the representation of the petitioners, which arbitrary, perverse and illegal.

14. It is the further averment of the petitioners that the seniority is to be fixed based on the marks obtained in the training u/s 8-A of the FSS Rules amongst the direct recruits, with which the petitioners have no quarrel. But the manner in which the inter se seniority amongst the direct recruits and promotees



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should be fixed is not spelt out in the rule. However, it is averred by the petitioners that their main grievance is only with reference to the fixation of their date of appointment, which should be from the date of regularisation of their service, as the training period would also have to be reckoned as duty period as per FR 9 (6)(a)(i) and (b)(i). It is the further averment of the petitioners that the Forest Apprentice post is, in fact, the post of FRO, even at the inception of training and once the training is completed, the Forest Apprentice are designated as FRO and, therefore, their date of appointment as Forest Apprentice would be the date of their appointment as FRO, which would stand established by the fact that the respondents have regularised the services of the petitioners from 8.12.2014, viz., their date of appointment as Forest Apprentice and, therefore, for all purposes for determination of the date of appointment in the post of FRO, the date of appointment as Forest Apprentice alone would have to be taken. However, erroneously and against the FSS Rules, the respondents have determined the date of appointment of the petitioners in the post of FRO from the date they were designated as FRO and not from the date of their appointment,, which is totally contrary to Rule 9 (6)(a)(i) and (b)(i) of the Fundamental Rules.



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15. It is the further averment of the petitioner that Rule 9 (6)(a)(i) defines 'Duty', which includes the service of a person as a probationer or apprentice, provided that such service is followed by confirmation. It is the averment of the petitioner that based on the aforesaid Rule, the 1st respondent had issued Letter No.(d) 131 dated 07.05.2010 with a direction to treat the apprentice or training period as duty period and provide all service benefits to the Forest Apprentice, who are to be appointed in the post of FROs. Further, the services of the petitioners having been regularised upon completion of satisfactory training and the petitioners having been appointed as FROs, their date of appointment have to be reckoned from the date of regularisation of their service for the purpose of determining their seniority in the post of FRO.

16. It is the further averment of the petitioners that the promotee FROs have filed W.P. (MD) No.10604/2023 in which the 2nd respondent herein has filed counter wherein it has been stated that persons similarly placed like the petitioners are entitled to get seniority from the date of appointment as Forest Apprentice, meaning, that their date of appointment would be 8.12.2014, however, without considering all the aforesaid aspects, the impugned order has come to be passed, depriving the Forest Apprentice of their legitimate and legal



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promotion to the next higher post and, therefore, the present petitions have been filed to set aside the impugned order and to provide seniority to the petitioners from the date of their appointment as Forest Apprentice and also restore the seniority of the petitioners from 8.12.2014.

17. The respective learned senior counsel appearing for the petitioners submit that Rule 9 (6)(a)(i) of the Fundamental Rules prescribes the duty period, which provides that the period of training and probation should be reckoned as duty period and, therefore, the petitioners, having been appointed on 8.12.2014 as Forest Apprentice and their probation has started in the said post on the said date, their services in the said post should be treated as duty period for the purpose of appointing and posting the petitioners as FRO and the petitioners should be deemed to have been appointed in the post of FRO upon their satisfactory completion of their training period and, therefore, their date of appointment, for all purposes should be reckoned as 8.12.2014, the date on which they were appointed as Forest Apprentice.

18. It is the further submission of the learned counsel that the letter of the 1st respondent in Letter NO.(D) 131 dated 7.5.2010 clearly prescribes that the



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training period should be reckoned as duty period, which is in line with Rule 9 (6) (a)(i) of the fundamental Rules, however, without considering the said rule and also the aforesaid letter, the impugned order has come to be passed by the respondents rejecting the claim of the petitioners, which clearly reveal total non-application of mind on the part of the respondents.

19. It is the further submission of the learned counsel that not only the Fundamental Rules prescribes the manner in which the period of training and probation is to be treated as duty period, but even the subsequent order of the respondents granting all the service benefits and regularising the service of the petitioners from the date of their appointment in the Forest Apprentice post clearly show that seniority of the petitioners in the post of FRO should be reckoned from the date of their appointment in the post of Forest Apprentice, which alone is in line with the government Letter dated 7.5.2010. However, without considering the above properly, the 2nd respondent has passed the impugned order, which is liable to be set aside.

20. It is the further submission of the learned counsel for the petitioners that in similar circumstances, one Mahendran, who was appointed as Forest



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Apprentice on 25.4.1997, completed his training only on 31.3.2000 and his services were regularised from the date of his appointment as Forest Apprentice and was subsequently promoted as Assistant Conservator of Forest and placed him above the promotees. However, curiously, bypassing the aforesaid order, the case of the petitioners have been rejected by the 2nd respondent without considering the aforesaid order passed by the 2nd respondent, which violates the clause of equality under Article 14.

21. It is the further submission of the learned counsel that Rule 9 (c)(v) of FSS Rules mandate that upon satisfactory completion of training, the probation of the Forest Apprentice under the aforesaid sub-rule shall, for the purpose of appointment as full members under the Ranger category will be treated as approved probationer, which clearly shows that the training period of the petitioners, being treated as duty/probation under the Fundamental Rules as well as FSS Rules, would be entitled to get their seniority fixed from the date of their initial appointment as Forest Apprentice, as the only interpretation that could be given on the basis of the aforesaid Rules is that the petitioner, on being temporarily fixed in the position of Forest Apprentice, upon satisfactory completion is appointed in the permanent cadre of FRO, which therefore could



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only be held to be interchangeable post. In support of the aforesaid submission, learned counsel also relied on the proceedings of the Conservator of Forest, wherein in the Probation Sheet relating to the employment of the petitioner, it has been clearly noted that the *"Date of Appointment as service, class or category"* is in the post of *"Forest Range Officer"* on the date when they entered the post of Forest Apprentice. Further, it is also evident from the said document that in the column relating to *"Particulars of Orders passed regarding confirmation at the entry point in service"* it has been recorded that the petitioners are *"Declared to have satisfactory completed his probation on the AN of 18.12.2016 in the post of Forest Range Officer"*. Therefore, it is the submission of the learned counsel that, a reading of the probation sheet holistically, even the appointment of the petitioners is in the permanent post of Forest Range Officer and the post of Forest Apprentice, in which the petitioners are recruited would only be a passing temporary nomenclature given to the said recruits before they are appointed in the permanent post as FRO.

22. It is the further submission of the learned counsel that the manner in which the respondents have also looked at the post of Forest Apprentice vis-a-vis FRO would clearly reveal that Forest Apprentice post is merely the post in which



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a person is recruited for training before being appointed to the substantive post of FRO as the training phase is the probationary phase for FRO, as could be evident from Rule 9 (c)(v) of the FSS Rules as upon satisfactory completion of the training, the probation of a Forest Apprentice is approved in the post of FRO in which post the said Forest Apprentice is appointed and, therefore, the substantive post is only FRO and not Forest Apprentice and, therefore, the date of initial entry into service as Forest Apprentice would have to be construed as the date of entry into service in the post of FRO.

23. It is the further submission of the learned counsel that the petitioners have no grievance about fixing of inter se seniority between direct recruits, which is provided for u/s 8-A of the FSS Rules and also the clarifications issued by the Government in this regard. However, the impugned order taking reference to Rule 8-A is grossly erroneous as the said rule does not deal with inter se seniority between the direct recruits like the petitioners and the promotees from the post of Foresters and the impugned order fixing the seniority of the petitioners from the date of their completion of training by holding that the date of entering into the post of FRO would only be on completion of the training is wholly erroneous and misconceived. In this regard, it is the submission of the learned counsel that



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when the services of the petitioners have been regularised in the post of FRO from the date of their initial appointment in the year 2014, when they were recruited as Forest Apprentice and the probation of the petitioners have been taken from the date of their initial recruitment and they having been made approved probationers when entering in the post of FRO and all increments and all other service benefits have been granted, excluding the above for the purposes of fixation of seniority would be grossly erroneous when the date of appointment of the petitioners in the post of FRO dates back to the date of their recruitment as Forest Apprentice on the regularisation of the service of the petitioners.

24. It is the further submission of the learned counsel that the Civil List published by the 2nd respondent showing the date of joining of the petitioners as having joined in the year 2016 without considering the original date of appointment of the petitioners in the post of Forest Apprentice, which has since been regularised in the post of FRO by the competent authority is wholly unsustainable and the seniority list dated 19.02.2024 has to be revised on the basis of the regularisation orders granted to the respective petitioners by fixing their seniority based on their dates of appointment and by adopting the



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procedure fixed u/s 8-A of the FSS Rules in determining the inter se seniority between the direct recruits alone.

25. It is the further submission of the learned counsel that after the year 2015, no seniority list has been published by the respondents and promotees who were promoted as FROs have been illegally promoted as Assistant Conservator of Forests and inspite of the directions issued by this Court in W.P. No.24424/2023, for fixing the seniority of the petitioners and publish the seniority list of FRO for the year 2022-2023, without considering the regularisation orders of the petitioners and also the Government Letter dated 7.5.2010, which has not been rescinded till date, the case of the petitioners for fixing their seniority from the date of their initial appointment has been rejected, which clearly shows total non-application of mind. It is the further submission of the learned counsel that based on the erroneous seniority list published in the post of FRO, the respondents are trying to grant promotion based on the said seniority list by depriving the rights of the petitioners' seniority from December, 2014 and, therefore, the Civil List requires to be declared as illegal.



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26. It is the further submission of the learned counsel that even as early as on 7.4.1991, letter Ms. No.597, Environment, Forests Department was issued in which reference was drawn to G.O. (Ms.) No.610, P&AR Dept., dated 28.6.1982, wherein orders were issued to consider the period of training, wherever prescribed for direct recruit post in the State and Subordinate service to be counted both for promotion and increment. It is therefore the submission of the learned counsel that the Forest Apprentice post in which the petitioners are recruited is a training post to be appointed as FRO and necessarily the service during the training period in the post of Forest Apprentice should be counted for the purpose of promotion and increment.

27. It is the further submission of the learned counsel that based on the said Government Order and letter, Ltr. No. (D) 131 dated 7.5.2010 was issued in which the Government had ordered that the probation the period of training undergone by the Forest Apprentice would be considered for the purpose of probation period, increment and special grade pay and once increment and period is counted, necessarily, it should also count for seniority purposes and the impugned order deviating from the said Government letter is grossly arbitrary, perverse and impermissible.



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28. It is further submitted by the learned counsel for the petitioners drawing the attention of this Court to the letter in Ref. No.B2/29350/2014 dated 25.9.2014, in and by which the petitioners were sent for medical examination to the Medical Board, wherein the appointment of the petitioners shown as Forest Apprentice and in bracket, the specific post of Forest Range Officers is mentioned, which would clearly go to show that Forest Apprentice post is interchangeable with FRO and that during training FROs are called as Forest Apprentice.

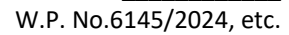
29. It is the further submission of the learned counsel for the petitioners by drawing reference to the letters issued to the petitioners who had completed training, wherein, it is specifically mentioned that the persons, who were provisionally selected for appointment by direct recruitment for the post of Forest Apprentice and joined duty as FRO, their date of appointment in the post of FRO has been taken to be the date on which they were appointed as Forest Apprentice without granting any relaxation in the rules.



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30. It is the further submission of the learned counsel that inspite of the fact that the respondents have recognized the date of entry into service in the post of FRO of the petitioners to be the date of appointment of the petitioners as Forest Apprentice and that they have been granted all benefits of probation, increment, special grade and promotional benefits, however, for the purpose of seniority, a divergent stand, contrary to the rules has been taken by the 2nd respondent while issuing the impugned order, which clearly exhibits total non-application of mind without following the aforesaid Government Orders and the Government letters, which have not been rescinded till date and the respondents are bound by the Government Orders and Government letters till such time they are in force and they cannot take a different stand now and, therefore, the impugned order passed that seniority of the petitioners cannot be considered from the date of their entry into service in the post of Forest Apprentice is against the provisions of the FSS Rules, Tamil Nadu State and Subordinate Service Rules and the Fundamental Rules of the Government of Tamil Nadu and necessarily the impugned order deserves to be set aside and the date of appointment of the petitioners in the post of FRO should date back to the date when they were recruited in the post of Forest Apprentice, viz., during December, 2014.



32. Per contra, learned senior counsel appearing for the private respondents and the learned Addl. Advocate General appearing for the official respondents submitted that the recruitment of the petitioners is only in the post of Forest Apprentice in December, 2014 and they enter the substantive post of FRO only upon completion of two years of training and, therefore, their appointment in the post of FRO would only be fixed in December, 2016, when



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they enter the substantive post of FRO and not on the date when they were recruited as Forest Apprentice.

33. It is the further submission of the respective learned senior counsel that Rule 2 (1) of the Tamil Nadu State and Subordinate Service Rules stipulates that a person is said to be appointed to a service only when he discharges the duties of the post borne on the cadre for the first time or commences probation, instructions or training prescribed for members thereof. It is therefore the submission of the learned counsel that the petitioners having performed/discharged the functions of FRO only on and from December, 2016, as prior to that they were undergoing training, the said period cannot be taken to be service borne in the cadre of FRO and, therefore, rightly, the 2nd respondent has fixed the seniority from the date on which the petitioners were borne in the cadre of FRO upon approval of their probation.

34. It is the further submission of the learned counsel that some of the promotees to the post of FRO were granted the relaxation and fixed in the post of FRO even before the petitioners entered the cadre post and, therefore, the petitioners having not been appointed to the cadre post or was not functioning



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as an employee, cannot question the relaxation granted to the employees by the Government relaxing the period of service from 8 years to 6 years. Therefore, the petitioners, who were not even in the cadre post and not an employee, they have no right or claim over the relaxation granted by the Government.

35. It is the further submission of the learned counsel that even otherwise, the grant of relaxation is a policy decision, which is within the realm of the Government, if, for the purposes of smooth functioning of the administration, it is deemed that relaxation is required, it is open to the respondents to grant relaxation and the petitioners cannot question the policy decision, so long it is not arbitrary and perverse and it is not for the purpose of benefitting any particular individual. In the present case, the Government, as a one-time measure, had granted the particular benefit to all the Foresters and, therefore, the relaxation granted cannot be found fault with, nor could this Court interfere with the policy decision of the State.

36. It is the further submission of the learned counsel that the recruitment of the petitioners was only for training and it is not an appointment in *stricto-senso* in the post of FRO and, therefore, only upon completion of training, would



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the petitioners be deemed to have been appointed in cadre post. In this regard, reliance was placed by the learned counsel for the petitioners on Rule 8-A of the FSS Rules, which prescribes that the seniority of the Forest Apprentice would be guided by the rank which they obtain during the training and, therefore, only on the basis of the said rank, the seniority of the petitioners would be determined and, therefore, to decide the seniority of the petitioners from the date when they were recruited as Forest Apprentice would be nothing but putting the cart before the horse, which has been properly considered by the 2nd respondent while negating the representation of the petitioners and, therefore, the fixation of seniority of the petitioners does not warrant any interference.

37. It is the further submission of the learned counsel for the private respondents that the private respondents had entered into the post of FRO much before the recruitment of the petitioners as Forest Apprentice in the year 2014 and, therefore, they have no locus to question either the relaxation granted to the said promotees nor could they claim any march over the said promotees, as on the said date, the petitioners are not even members in the cadre post and, therefore, could not make any claim for consideration of their case for fixation of seniority.



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38. It is the further submission of the learned counsel for the respondents that the recruitment of the petitioners as Forest Apprentice is under Category 5 of Class I, whereas the post of FRO is under Category I of Class I and, therefore, the movement of the petitioners from Category 5 of Class I to Category I of Class I would be the date on which they have been appointed in the post of FRO and rightly appreciating the significance of the said movement, the respondents have passed the order fixing the seniority of the petitioners on the date when they have been appointed in the substantive post of FRO and, therefore, the training period in which the petitioners were functioning as Forest Apprentice cannot be taken to be in a cadre post warranting fixation of seniority as per Rule 2 (1) of the Tamil Nadu State Subordinate Service Rules as the petitioners were only receiving stipend during the period of training and were not paid the time scale of pay in the said post nor were they discharging the duties of the post of FRO during the time when the petitioners were undergoing training as Forest Apprentice and, therefore, only on and from the date on which the petitioners have been appointed as FRO, the petitioners could claim seniority in the said post.



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39. In fine, it is the submission of the learned counsel for the respondents that the 2nd respondent, rightly considering the FSS Rules vis-a-vis Tamil Nadu State and Subordinate Service Rules in proper perspective and applying Rule 8-A of the FSS Rules and the amendment made in fixing the inter se seniority between the direct recruits, have rightly passed the impugned order and fixed the seniority of the petitioner by fixing the date of appointment on the date when the seniority of the petitioners were determined u/r 8-A and, therefore, no interference is warranted with the said order.

40. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing for the parties and perused the materials available record and also the relevant provisions of the FSS Rules, the Tamil Nadu State and Subordinate Service Rules and the Fundamental Rules of the Government of Tamil Nadu.

41. There is no quarrel about the fact that the petitioners were recruited on the basis of the notification of the year 2010 issued by the Tamil Nadu Public Service Commission in the post of Forest Apprentice in the year 2014, though the provisional selection was made in the year 2012, but due to litigations, the



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recruitment reached its end only in the year 2014, more particularly during December, 2014 and the petitioners were appointed on various dates in the year 2014. Therefore, the recruitment of the petitioners is to the post of Forest Apprentice and not in the post of FRO.

42. The services of the petitioners are governed by the FSS Rules in which FRO is found in Category 1 of Class 1 while that of Forest Apprentice is in Category 5 of Class 1. The procedure for appointment of FRO is two-fold, viz., through direct recruitment and through promotion from the post of Forester. While a Forest Apprentice upon satisfactory completion of two years of training appointed to the post of FRO, however, the feeder category for promotion to the post of FRO is Forester which is in Class 1 Category 2.

43. The whole case is predicated upon the date of entry of the petitioners into the post of FRO; whether it would date back to the date on which the petitioners were recruited as Forest Apprentice or would it be from the date of completion of the training on which date the seniority list of the direct recruits is drawn on the basis of the marks obtained in the training, which is precisely the



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reason, which has been shown by the 2nd respondent to fix the said date as the date of entry of the petitioners into the cadre post of FRO.

44. Before venturing to discuss the aforesaid issue, the relevant provisions of the FSS Rules, the Tamil Nadu State and Subordinate Service Rules and the Fundamental Rules requires to be adverted to.

45. Rule 35 (aa) of the Tamil Nadu State and Subordinate Service Rules provides the manner in which the seniority of a person in a service, class, category or grade shall be determined. For ready reference, the same is quoted hereunder :-

“35 (aa) - The seniority of a person in a service, class, category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the services, class, category or grade.”

46. Section 40 (2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 also provides for a similar provision and the same is quoted hereunder :-



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“40 (2) The seniority of a person in a service, class, category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the services, class, category or grade.”

47. The aforesaid Rule prescribes that where there are more than one mode of recruitment, unless the individual has been reduced to a lower rank as a punishment, the seniority would be determinable with reference to the date on which the person is appointed to the service, class, category or grade.

48. Rule 2 (1) of the Tamil Nadu State and Subordinate Service Rules spells about the date on which a person is appointed to a service, which is a crucial provision to determine this case and the same reads as under :-

“2 (1) A person is said to be "appointed to a service" when in accordance with these rules or in accordance with the rules applicable at the time as the case may be, he discharges, for the first time the duties of a post borne on the cadre of such service or commences the probation, instructions or training prescribed for members thereof.”



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49. The said Rule 2 (1) clearly speaks that a person would be said to be appointed to a service in accordance with the rules only when he starts discharging the work of the said post for the first time the duties of the said post borne on the cadre or commences the probation, instructions or training prescribed for such persons thereof. In the present case, there could be no quarrel with the fact that the petitioners were recruited as Forest Apprentice and were put on training, but for the first time, the petitioners had started discharging the duties of the post of FRO only when they were appointed to the said post in December, 2016.

50. Rule 9 (6)(a)(i) of the Fundamental Rules of the Tamil Nadu Government speaks about what would be included in 'Duty', which is as under :-

"Duty - (a) Duty includes -

(i) Service as a probationer or apprentice, provided that such service is followed by conformation."

51. The aforesaid Rule prescribes that the probationer or apprentice is said to be in duty provided that such probation or apprentice is followed by confirmation in the said post. However, in the present case, the petitioners,



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though appointed in the post of Forest Apprentice and had started the probation, however, are not confirmed in the said post, but upon completion of satisfactory training, are appointed in the post of FRO and, therefore, the probation of Forest Apprentice is not confirmed in the said post but they become approved probationer only in the category of Rangers, which is provided for under Rule 9 (6)(v) of FSS Rules, which is as under :-

“(v) A Forest Apprentice who has satisfactorily completed his probation in accordance with this sub-rule shall for the purpose of the General Rules regarding appointment as full members be treated as approved probationer for the category of Rangers.

52. Harmonious interpretation and reading of all the aforesaid provisions is necessary for coming to a conclusion as to when the actual appointment of the petitioners in the post of FRO starts. Though the petitioners, as per Rule 9 (6)(v) of FSS Rules and Rule 9 (6)(a) of the Tamil Nadu Fundamental Rules could be stated to have commenced their probation in the post of Forest Apprentice, which was later confirmed as approved probationer in the post of FRO by deeming them as full members of service under the General Rules, however, Rule 2 (1) of the Tamil Nadu State and Subordinate Service Rules clearly demarcate as to when the actual service of a person in a cadre post would start, and such date



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of starting is determined when the said person, for the first time, discharges the duties of a post borne on the cadre.

53. Further, it is to be pointed out that though reference to the Fundamental Rules, in rule 20, more particularly to the ruling thereunder, after ruling (9) the following ruling has been added, viz., *"(10) When a person selected for appointment to a post in the State and Subordinate Services by direct recruitment is required to undergo a prescribed training before actual independent charge of that post, he shall draw during the period he period of such training, the minimum in the time-scale of pay applicable to that post"*, however, it is to be pointed out that the said ruling would not be applicable to the present case for the simple reason that what is spelt out in the said rule is that the training that is required to be undergone by an individual, who is posted in a particular post before actual independent charge shall be paid the minimum time scale of pay for the said post. However, in the present case, training has been undergone by the petitioners in the post of Forest Apprentice while the actual independent post is FRO, which are totally different and, therefore, Forest Apprentice cannot be equated with FRO so as to make the aforesaid Rule applicable.



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54. In the present case, as already stated above, the petitioners though had joined in December, 2014, on various dates, however, they have not joined in the cadre post, but had merely undergone training for being appointed to the cadre post of FRO upon satisfactory completion of training, as unsatisfactory result in the training would result in the rejection of the candidature of the Forest Apprentice. Therefore, for all purposes, the petitioners could be deemed to have come into a cadre post only after satisfactory completion of training, only at which time, they would be starting to discharge the work of the said cadre post for the first time and, therefore, the date of entry of the petitioners into the post of Forest Apprentice cannot be the determinant date for fixing the date of entry into service of the petitioners and it is only when they satisfactorily complete the training and enter into the cadre post of FRO, they could be deemed to have started to discharge the work of the post of FRO for the first time and, therefore, for all purpose, the said date could alone be held to be the date when the person is said to be appointed to a service and any period prior to that, during which no duties borne by the said post are discharged by the individuals, the said period cannot be held to be period during which the individuals were appointed to a service.



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55. In the present case, it is not the case of the petitioner that they were appointed as FRO; rather, it is the admitted case of the petitioners that they were appointed as Forest Apprentice and more particularly, they were paid stipend and that they were not paid any time scale of pay. It is to be pointed out that any post which is a cadre post, necessarily, it will carry a time scale of pay and, therefore, the only inference that could be drawn from the fact that the petitioners were receiving stipend could be that the post in which they were recruited is not a cadre post, but it is an interregnum post, in which training is given to them before actual appointment, which also comes with a caveat that the petitioners should satisfactorily complete training.

56. It is even the admitted case of the petitioners that while their previous batch and their subsequent batch the said candidates, upon their selection and recruitment were sanctioned and paid the regular scale of pay, however, the petitioners were only paid stipend and, therefore, the petitioners cannot claim that they were appointed in a substantive post and once they are held to have been not appointed in a substantive post, their date of appointment would only start from the date when they are appointed in a substantive post, viz., herein



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the post of FRO, to which the appointment of the petitioners were only during December, 2016 and not otherwise and, therefore, rightly appreciating the same, the respondents have fixed the date of appointment of the petitioners by the impugned order, which is not perverse, arbitrary or impermissible.

57. Insofar as the challenge made by the petitioners to the relaxation granted by the Government in respect of promotee Foresters to the post of FRO by relaxing their mandatory period of service from 8 years to 6 years and reducing the period of training, it is to be pointed out that it is not the case of the petitioners that selective benefit had been granted to individual Foresters by means of the aforesaid relaxation. Enmasse, based on the requirement of the work force and based on the communication addressed by the Principal Chief Conservator of Forests, the Government, applying its mind to the materials placed before it, has, as a one-time measure, granted the said relaxation and when there is no arbitrariness, unreasonableness and it is not in violation of the right of equality, as all similarly placed persons have been granted such relaxation, the petitioners cannot have any grievance to such relaxation being granted.



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58. Moreso, it is to be noted that the said relaxation was granted in the year 2013, when the petitioners were not in the services of the State nor were they posted in the cadre post and holding a substantive post. When the petitioners had not entered the service on the said date, though they may have been provisionally selected, which selection was legally challenged only to be confirmed in the year 2014 and the recruitment coming to a completion in December, 2014, on which date alone, the petitioners could claim a right over the post of Forest Apprentice, the relaxation granted to the persons in the post of Foresters by the Government by relaxing the Rules, cannot be said to be erroneous.

59. When the Government, as a matter of policy, takes a stand to relax the Rules and grant a benefit to its employees on its rolls, the petitioners who were not in the service of the Government, cannot claim infraction of equality, as on the said date, the petitioners did not have any vested right over the said post. Therefore, the relaxation granted by the respondents cannot be held to be bad.

60. Insofar as the prayer of the petitioners to grant time scale of pay from the date of their initial appointment, it is to be pointed out that when this Court



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has held that the petitioners were not holding any cadre posts and that they were only undergoing training and only during December, 2016, they were appointed in the cadre posts, the petitioners, during their training period, cannot claim for grant of time scale of pay. However, on merits, this Court is not adjudicating the same, but it is always open to the petitioners to submit a representation to the respondents, which has been done by some of the candidates, which would be evident from the typed set of documents on which certain details have been called for by the Government, and if such representation is filed, the respondents/appropriate authority shall consider the same and pass orders.

61. Insofar as the challenge made to the normalization method prescribed for fixing the inter se seniority between the Forest Apprentice, who had underwent training at different centres, by challenging the letter in Ref. No.AA1/7007/2024 dated 2.7.2025 in Ref. No.B2/32526/2023 as contrary to G.O. Ms. No.101, it is the stand of the petitioners in the affidavit that they are not espousing their grievance with regard to the fixation of inter se seniority between the direct recruits and, therefore, this Court is not deciding the issue and, accordingly, the said prayer stands closed. Suffice to hold that the respondents



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shall, on the basis of G.O. Ms. No.101, decide the inter se seniority between the Forest Apprentice undergoing training at different centres as per the procedure contemplated in the aforesaid Government Order, as is very clear even from the impugned order that the inter se seniority would be guided by Rule 8-A of the FSS Rules and in line with the methodology issued in G.O. (Ms.) No.101, Environment, Climate Change and Forests Department dated 28.6.2023.

62. Accordingly, for the reasons aforesaid, all the writ petitions are dismissed with the aforesaid observations. The interim order granted by this Court stands vacated. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.02.2026

Index : Yes / No

GLN

Note to Registry :

Registry is directed to incorporate all the cause title along with the prayer in the drafted order while issuing order copy to the parties.



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To

1. The Addl. Chief Secretary
to Government, Environment, Climate
Change & Forest Department
Government of Tamil Nadu
Fort St. George, Secretariat
Chennai 600 009.
2. The Principal Chief Conservator of Forests
Head of Forest Force
Velacherry Main Road
Guindy, Chennai 600 032.



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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NOS.6145 OF 2024, ETC.**

**Pronounced on
13.02.2026**