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Writ Appeal No.9 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

Coram

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**Writ Appeal No.9 of 2026
and
C.M.P.No.121 of 2026**

1. The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George,
Chennai – 9.

2. The Principal Chief Conservator of Forest &
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy, Chennai – 32.

... Appellants

Vs.

1. S.Krishnan,
S/o.Subbanaickar

2.G.Selva Jeevanathan,
S/o.Gnanaiya

3. G.Kuppan,
S/o.Govindarajulu

4. R.Nageswaran,
S/o.Ramasamy

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5. N.Thangarajan,
S/o.Natarajan

6. S.Kathiresan,
S/o.Sethupillai

7. C.Govindaraj,
S/o.Chinnaiya

8. V.Arumugam,
S/o.Veeraiya

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.09.2023 made in W.P.No.28171 of 2023 passed by this Court.

For Appellants : Mr.R.Neethiperumal
Government Advocate

For Respondents : Ms.K.Jenitha

JUDGMENT

[Made by **R.SURESH KUMAR, J.**]

In order to get regularization and for retiral benefits including the pensionary benefits as Forest Watcher, the private respondents/writ petitioners had approached the writ Court by filing the writ petition in W.P.No.28127 of 2023.



2. The said writ petition along with yet another writ petition in W.P.No.28166 of 2023 were heard together and disposed of by a common order dated 29.09.2023 by the writ Court, which is impugned herein.

3. The writ petitioners in fact were appointed some time in 1981 to 1985 as Plot Watchers, after having served for 40 years, their services have not been regularized as Forest Watcher despite several Government Orders have been issued in this regard and such benefits were extended to various other persons, who are similarly placed like the writ petitioners and when they approached the appellant Department, their request since has been turned out through order dated 22.05.2023 and 24.03.2023. Challenging the same, the said writ petitions were filed, which were disposed of by the Writ Court through the impugned order dated 29.09.2023.

4. Though the order dated 29.09.2023 allowing the writ petition has been challenged in the present intra-court appeal, after hearing the learned Government Pleader appearing for the appellant as well as the learned counsel for the respondents, as both of them brought to the notice of this



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Court that the issue raised in this appeal has already been considered in number of writ appeals and in a recent order dated 04.12.2025, a Division Bench of this Court (where one of us Mr.Justice R.Suresh Kumar is a party) in W.A.No.3474 of 2025 in the case of ***State of Tamil Nadu, Rep. By its Secretary to Government Vs. M.Rajagopal and Ors.***, dealt with the matter and by passing the following order those writ appeals filed by the State were dismissed:

“8. By referring all these proceedings, another Division Bench rejected the appeal filed by the State in W.A.No.1838 etc., batch by order dated 11.08.2021. In compliance with the orders of this court, the Government also issued an order in compliance with the same. Yet again the order of the learned Single Judge following the judgment of the previous Benches is put in challenge.

9. At this juncture, we have to point out the judgment of the Supreme Court in State of Uttar Pradesh (vs) Arvind Kumar Shrivastava [2015 (1) SCC 347] wherein it was held that, the normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending the benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India.



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10. This principle needs to be applied in service matters more emphatically as service jurisprudence postulates that, all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the court earlier, they are not to be treated differently.

11. Recently, the Supreme Court in Lt.Col.Supriya Chandel (vs) Union of India [2024 SCC OnLine SC 3664] speaking through Justice K.V.Viswanathan for himself and Justice B.R.Gavai (as his Lordship then was) in Civil Appeal No.1943 of 2022 dated 09.12.2024 held in Paragraph 14 as follows:

“ It is well settled principle of law that, where a citizen is aggrieved by an action of the Government Department has approached the Court and obtained a declaration of law in his / her favour, others similarly situated ought to be extended the benefit without a need for them to go to Court (Amrit Lal Beri -vs- Collector of Central Excise, New Delhi [1974 (4) SCC 714]”

12. When the law has been so clearly settled by the Supreme Court, it is unfortunate that the appellants, repeatedly file appeals assailing the orders of the learned Single Judges, who have merely applied the declaration already made. We do not



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find any merit in the appeal. Once the Supreme Court confirmed the order of this Court in SLP (Civil) No.12056 of 2015 dated 05.07.2016 and Review Application No.3621 of 2016 dated 12.01.2017, the respondents are duty bound to extend the same benefit to all persons similarly situated. The learned Single Judge did not commit any error in following the earlier orders and granting the same relief to the petitioners.

13. The direction of the learned Single Judge shall be complied with within a period of two months from the date of receipt of a copy of this order. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. Therefore, the issue raised in the present intra-court appeal since is covered by the said decision of the Division bench, which in fact was disposed of by following the earlier orders on the same issue and therefore, nothing new issue is to be adjudicated in the present intra-court appeal and the order passed by the Writ Court allowing the said writ petition through the impugned order is entitled to be sustained and is accordingly sustained. Consequently, the present appeal since is liable to be dismissed and accordingly, it is dismissed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.



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The order passed by the Writ Court, which is impugned herein shall be complied with within a period of two(2) months from the date of receipt of a copy of this order.

[R.S.K., J.]]P.D.B., J.]
27.01.2026

Index: Yes/No
Speaking Order/Non-speaking Order
NCC:Yes/No

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