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W.A.Nos.307 & 321 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM

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

**W.A.Nos.307 & 321 of 2026
and
C.M.P.Nos.2764 & 2873 of 2026**

W.A.No.307 of 2026:

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
Velachery Road,
Guindy, Chennai,
Tamil Nadu – 600 032.
3. The District Forest Officer,
Cuddalore Forest Division,
Cuddalore.
4. The Forest Range Officer,
Cyclone Rescue Range,
Cuddalore.

... Appellants

-Vs-



W.A.Nos.307 & 321 of 2026

WEB COPY C.Selvaraj

... Respondent

W.A.No.321 of 2026:

1. The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forests Department,
Fort St.George,
Chennai – 600 009.

2. The Principal Chief Conservator of Forest,
Head of the Forest Department,
Panagal Building,
Saidapet,
Chennai – 600 015.

3. The Conservator of Forests,
Office of the Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai – 600 015.

... Appellants

-Vs-

M.Dhanaraj

... Respondent

COMMON PRAYER : Appeals under Clause XV of Letters Patent against the orders dated 21.01.2025 and 20.09.2023 made in W.P.Nos.30868 of 2023 & 9274 of 2021.

For Appellants : Mr.R.Neethiperumal
in both W.As Government Advocate

For Respondents : Mr.L.Chandrakumar
in both W.As for Ms.T.Dharani



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COMMON JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

Since the issue raised in both these appeals are one and the same, with the consent of the learned counsel appearing for both sides, these writ appeals have been heard together and are disposed of by this common judgment.

2. In both the cases, the respective respondents / writ petitioners were engaged as Drivers by the appellant employer and they had been continuously working for ten years. Therefore, in order to get the benefits under G.O. (Ms)No.22, Personnel and Administrative Reforms Department dated 28.02.2006, they approached the writ Court seeking for writ of mandamus, where direction seems to have been given to consider their plea for regularisation of their services. However, the appellant employer having considered the plea raised by them have rejected their case that there has been no sanctioned post and moreover, they have been engaged only on temporary post that too on daily wage basis and hence, they are not entitled to get benefits under G.O.(Ms)No.22 in view of G.O.(Ms)No.74, Personnel and Administrative Reforms Department dated 27.06.2013 and these are all the reasons having been stated the plea raised both by the respondents / writ petitioners were rejected



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through the orders which were impugned before the writ Court in the respective writ petitions.

3. The writ Court having considered atleast more than two Division Bench judgments passed in this regard has allowed those writ petitions through the respective impugned orders.

4. Whether ten years completion period should be on the date of G.O.(Ms).No.22 dated 28.02.2006 or whether it can be considered even subsequently or not, is not at all an issue still pending, as the issue is no more *res integra*.

5. Even though G.O.(Ms)No.74, Personnel and Administrative Reforms Department had been issued in the year 2013 by order dated 27.06.2013, paragraph 6 which wanted to take away the benefit that has been conferred on these kind of temporary employees under G.O.(Ms)No.22 dated 28.02.2006 having been considered was struck down by this Court and that has become final.



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6. When that being the position, ten years Rule shall not be over by the date of G.O.(Ms)No.22 dated 28.02.2006 or the cut-off date, i.e., 01.01.2006 and even thereafter that benefit can very well be extended to those people who have completed ten years of service either by way of temporary service, daily wage service or consolidated pay. This position has been reiterated by many number of decisions of this Court and some of the decisions in fact have been referred by the learned Judge and the relevant portion of those Division Bench judgments have been extracted by the learned Judge in the impugned orders. Therefore, the plea raised by the respective respondents / writ petitioners having been considered were allowed.

7. In fact, the order passed by the writ Court was implemented by the appellant Department by issuing G.O.(2D)No.153, Environment, Climate Change and Forests (FR.2(i)) Department dated 01.08.2025, where among other things the G.O. states the following:

“5. After careful examination, the Government accept the request of the Principal Chief Conservator of Forests and accord permission to the Principal Chief Conservator of Forests to regularize the service of the petitioner Thiru.C.Selvaraj as Driver from the date of 01.04.2006 by relaxing rule 2(a) of the Special Rule for the Tami Nadu Forest Subordinate Service



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(TNFSS) regarding method of appointment and age required for appointment to the post of Driver and to pay all consequential service and monetary benefits, subject to the outcome of the writ appeal to be filed or any other legal proceedings.”

8. Another G.O.(Ms).No.56, Environment, Climate Change and Forest (FR.2(i)) Department dated 03.06.2024, where also the operative portion of G.O. reads thus:

“In the said G.O.(2D)No.11, Environment, Climate Change and Forests (FR.2-i) Department, dated 22.01.2024:-

1) For the existing para 6, the following para shall be substituted:

“6. The Government, after careful examination of the proposal of the Principal Chief Conservator of Forests (Head of Forest Force), in the light of the direction of Hon’ble High Court of Madras in W.P.No.9274 of 2021, dated 20.09.2023 and based on the available records, decided to regularise the services of the petitioner Thiru.M.Dhanaraj, in the post of Driver in Tamil Nadu Forest Department from the date of his initial appointment (i.e., 01.02.2001) as a special case by relaxing rule 2 (mode of appointment) and rule 4 (regarding age) of Tamil Nadu Forest Subordinate Service Rules and to allow the monetary benefits from the date of issue of order only as per Section 28(2) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016.”

2) In para 7, for the expression, “from the date of completion of ten years of service” the expression, “from the date of his initial appointment” shall be substituted.””



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9. Therefore, on the one hand, the orders passed by the writ Court having been considered were implemented, of course subject to the outcome of these appeals, on the other hand, the impugned orders passed by the writ Court are to be implemented as the same has been passed only by following the earlier decision made by this Court in various Division Benches.

10. One such Division Bench order has recently been passed in W.A.No.3161 of 2025 on 11.11.2025 in the matter of ***Government of Tamil Nadu, Represented by Secretary to Government, Environment and Forest Department, Secretariat, Chennai – 600 009 and others Vs. N.Nithianathapandi***, where one of us (RSKJ) is a party and in that order, we have passed the following orders:

“4. It is further to be noted that, even though such deviation has been there to give such a direction by the Writ Court to give regularization from the date of initial appointment and not from the date of completion of ten years from the date of initial appointment, however, the appellant Department has implemented the order, which is impugned herein, by passing the Government Order in G.O. (2D)No.127, Environment, Climate Change and Forest (FR.2.(II)) Department, dated 14.11.2024, where, inter alia, the following has been ordered:-



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"11. In view of the above, the Government, after careful examination, accord permission to the Principal Chief Conservator of Forests to regularize the service of petitioner Thiru. N. Nithiananthapandi as Driver with effect from 03.07.2001 in relaxation of Rule 5 (height) and Rule 2 (method of appointment) of the Special Rules for the Tamil Nadu Forest Subordinate Services and also relaxation of G.O.(Ms)No.22, P&AR Department, dated 28.02.2006 and G.O.(Ms)No.74, P&AR Department, dated 27.06.2013 with all consequential service and attendant benefits, subject to the outcome of the writ appeal or any other legal proceedings.

12. In exercise of the powers conferred under Section 58 of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, the Governor of Tamil Nadu hereby relaxes Rule 5 and 2 of the Special Rules of Tamil Nadu Forest Subordinate Services in respect of height in favour of the petitioner Thiru. N. Nithiananthapandi and ordered accordingly."

5. In view of the order, having been complied with and implemented, we do not see any reason to interfere with the directions given by the learned Judge, even for a slightest modification and therefore, we are inclined to dismiss the writ appeal by recording the aforesaid developments.

6. Resultantly, this writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.25710 of 2025 is closed.



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11. Therefore, the issue raised in both the writ appeals is no more *res integra* as has been rightly held by the learned Judge in the impugned orders. Since the respective respondents / writ petitioners are entitled to get regularisation in the appellant Department as they had admittedly completed more than ten years of service continuously in the appellant Department either on temporary basis or consolidated pay or daily wage pay, that would anyway take care of the right accrued on them in view of G.O.(Ms)No.22 dated 28.02.2006 as well as G.O.(Ms)No.74 dated 27.06.2013 *dehorse* of paragraph No.6 as has been held by the Court in the earlier orders. Hence, the orders passed by the writ Court are to be sustained since they do not suffer with any infirmity, those orders are to be sustained and to be approved by this Court. Resultantly, both these Writ Appeals fail and hence, dismissed. The monetary benefits if not paid already, the same shall be paid to the respective respondents / writ petitioners within a period of twelve weeks from the date of receipt of a copy of this judgement. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

(R.S.K., J.) (P.D.B., J.)
09.02.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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