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WA No. 496 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA Nos. 496 & 497 of 2026

and

CMP Nos. 4919 & 4928 of 2026

W.A.NO.496 of 2026

1. Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George,
Chennai - 009.
2. The Principal Chief Conservator of Forests,
(Head of Forest Force),
Velachery Main Road,
Guindy,
Chennai - 032.

..Appellant(s)

Vs

J.Pandi
S/o. V. Jayaraj,
Forest Guard,
Anaimalai Tiger Reserve Forest,
Udumalaipettai Range,
Thiruppur Division,
Coimbatore Circle.

..Respondent(s)

WA No. 497 of 2026

1. Government of Tamil Nadu
2. The Principal Chief Conservator Of Forests
(Head of Forest Force),
Velachery Main Road,
Guindy, Chennai 32.

..Appellant(s)



Vs

C. Nagappan
S/o.Chinnasamy,
Forest Guard (Retired),
NO.1/5, North St,
Kattu Paakor Village,
Konankuppam Tk,
Cuddalore 606 104.

..Respondent(s)

WA No. 496 of 2026

Writ Appeal filed under Clause 15 of Letters Patent to set aside order dated 04.09.2023 made in WP No.18360 of 2023 and allow this Writ Appeal.

WA No. 497 of 2026

Writ Appeal filed under Clause 15 of Letters patent to set aside order dated 25.3.2025 made in WP.No. 35831/2023.

WA Nos. 496 & 497 of 2026

For Appellant(s) Dr.R.Gouri,
in both the Appeals: Government Counsel

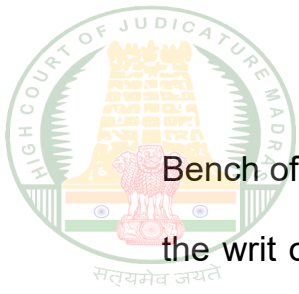
For Respondent(s)
in both the Appeals: Mr.S.Mani

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present intra-Court appeals have been instituted challenging the writ order dated 04.09.2023 & 25.03.2025 .08.2021 passed in W.P.No.18360 of 2023 & W.P.No.35831 of 2023 respectively.

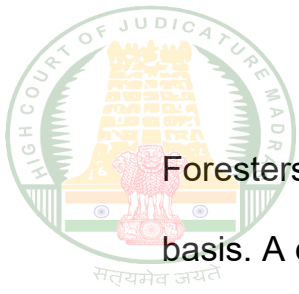
2. State preferred the present Writ Appeals mainly on the ground that settled seniority and promotion made in pursuance to the order of the Division



Bench of this Court as confirmed by the Hon'ble Supreme Court is unsettled in the writ order impugned and in the event of implementing the said order, the same would result in causing prejudice to the employees whose seniority and promotions were settled in view of the orders of the Court.

3. The respondents were appointed as Plot Watchers on daily wage basis. Some daily wage Plot Watchers were regularised in the time scale of pay. A batch of daily wage employees have approached the Court and the Courts have directed to regularise their services in a sanctioned post. Since the posts available were inadequate, by creating supernumerary post, the Plot Watchers were accommodated in the regular establishment. The services of these Plot Watchers were regularised and they were subsequently promoted to the post of Forest Watchers and thereafter retired from service. The respondent also attained the age of superannuation and retired from service.

4. The learned counsel for the respondents would mainly contend that the similarly placed employees filed W.P.No.40881 of 2016 seeking a relief to direct the Forest Department to include their names in the panel for promotion to the post of Forester for the year 2011-2012 on par with their juniors without insisting for completion of Vaigai Dam Training. The Writ Petition was disposed of by the learned Single Judge by order dated 22.11.2016. Accordingly, the official respondents were directed to include the names of petitioners in the panel for the year 2011- 2012 and promote them as



Foresters from the date on which their juniors were promoted, on notional basis. A direction was issued mainly on the ground that the employees are not undergoing Vaigai Dam Training and due to administrative reasons they were not sent for training.

5. A batch of Writ Petitions were subsequently filed by these daily wage Plot Watchers, who were regularised subsequently in a permanent post and the Division Bench of this Court has passed a common order on 17.04.2018. The issue relating to fixation of interse seniority between direct recruit and promotees were also adjudicated by the Division Bench of this Court. The Writ Appeals were disposed of on 17.04.2018 by issuing the following directions:

23. Accordingly, this Court issues the following directions:

(i) The appellants as well as the private respondents before this Court shall submit a detailed representation within a period of one month from the date of receipt of a copy of this judgment and appear before the Committee either in person or through their respective counsel, to explain their seniority position, so as to enable the Committee to draft the fresh seniority list of the Forest Guards fit for promotion to the post of Foresters.

(ii) The Committee shall consider the representation of the parties and prepare the seniority list of the Forest Guards fit for promotion to the post of Foresters, on merits and in accordance with the relevant rules and Government orders and applying the



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rota-quota rule and pass orders, within a period of six months from the date of receipt of a copy of this judgment.

(iii) The Committee shall determine the seniority of the Forest Guards from the date of appointment in the case of direct recruits and from the date of regularization, in the case of promotees. While doing so, the Committee shall follow the principles of natural justice, good conscience and equity.

(iv) With regard to the issue relating to regularisation of the Forest Watchers, the Committee shall act in accordance with the directions issued in G.O.Ms.No.95, Environment and Forests (FR-2) Department, dated 07.08.2009.

(v) The Committee shall not count the service rendered by the promotees, on account of ad hoc promotion, while determining the seniority.

6. Against the common order one Special Leave Petition was filed, which is pending. Meanwhile, the Forest Department implemented the directions issued by the Division Bench and issued Government Order in G.O. (Ms.)No.83, Environment and Forests (FR.2-I) Department dated 26.08.2019. The Government passed the following orders:-

9. Based on the orders of Hon'ble High Court, Madras, dated 17.04.2018 in W.A.Nos.811, 812, 877 of 2011 and WA[MD]No.1151 of 2017, after careful examination of the Committee report, the Government accepted the proposal of Principal Chief Conservator of Forests and issued the following orders:



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(a) The Report of the Committee and the Inter-se seniority list of Forest Guard submitted by the Committee are accepted, subject to the outcome of the orders of Hon'ble Supreme Court of India in Special Leave Petitions (c) No.19254/2018 and 29396/2018; and the provisional seniority of 25 persons fixed by the Principal Chief Conservator of Forests in his proceedings No.AB2/33871/2005, dated 05.08.2009 is cancelled.

(b) Permission is accorded to the Principal Chief Conservator of Forests to fix the revised seniority fixed by the Committee for 25 Forest Guards.

(c) Permission is accorded to the Principal Chief Conservator of Forests to revert 55 temporarily promoted Foresters as Forest Guards and to fix the seniority of 55 temporarily promoted Foresters above their immediate juniors, if their junior in the post of Forest Guard were already promoted as Forester and also to place such persons above their immediate junior in the respective panels.

(d) Permission is accorded to the Principal Chief Conservator of Forests to fix the seniority of retired persons with their immediate juniors in the respective panels and to fix their pay as per proviso 1 to ruling 17 under FR.27.

7. The directions issued by the Division Bench as implemented by the Government in G.O.(Ms.)No.83 dated 26.08.2019 was extended to all similarly placed Plot Watchers, who were brought under the regular establishment by creating supernumerary posts. It is brought to the notice of this Court that

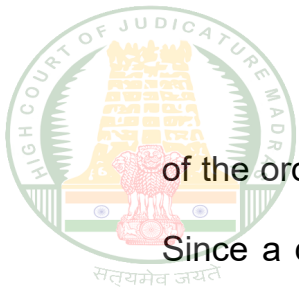


almost all the Plot Watchers were retired from service. Their benefits were fixed based on notional promotion granted, as directed by the Division Bench of this Court and they were allowed to retire in the promotional post i.e., Forest Guard and their terminal and promotional benefits were also settled as applicable to the post of Forest Guard.

8. The respondents filed a Writ Petition in W.P.No.18360/2023 & W.P.No.35831 of 2023 respectively seeking to include their name in the post of Forester for the year 2011-2012, give notional promotion to the petitioners on par with their juniors as per the judgment made in W.P.No.40881 of 2016 dated 22.11.2016. In other words, the relief sought for is to implement the orders of the learned Single Judge dated 22.11.2016 passed in W.P.No.40881 of 2016.

9. The Writ Petition filed in the year 2023 seeking implementation of the writ order dated 22.11.2016 is not entertainable. No Writ Petition would lie seeking implementation of the order passed in another Writ Petition and more so, the respondents filed the Writ Petition seeking implementation of the writ order of the year 2016 after a lapse of about seven years from the date of passing of the order i.e., 22.11.2016.

10. The learned Single Judge directed the official respondents to pass orders on merits and in accordance with law by taking into account the import



of the order passed by this Court dated 22.11.2016 in W.P.No.40881 of 2016.

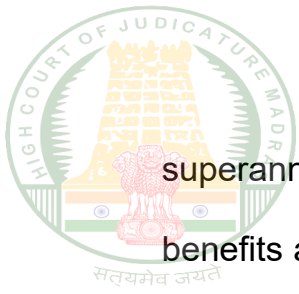
Since a direction was issued to grant promotion in the light of the writ order

dated 22.11.2016, the State has chosen to file the present intra-Court appeal.

11. The learned counsel for the respondents would mainly contend that the respondents were not aware of the subsequent order of the Division Bench dated 17.04.2018 as well as the Government Order passed in G.O. (Ms.) No.83 implementing the orders of the Division Bench.

12. Such an argument advanced deserves no merit consideration, since the respondents themselves have not initiated any action during the relevant point of time, when the learned Single Judge disposed of the Writ Petition in W.P.No.40881 of 2016 dated 22.11.2016. The respondent filed Writ Petition in the year 2021 and during the interregnum period, the Division Bench has passed final orders on 17.04.2018 and the Committee appointed by the Division Bench undertook the process of verifying the service records of those Plot Watchers regularized in the sanctioned post and re-fixed their seniority in compliance with the directions issued by the Division Bench and the Government issued orders in G.O.Ms.No.83 dated 26.08.2019. After completion of these processes, the respondents have filed the Writ Petitions. Thus, their contention that they were not aware of the fact regarding Division Bench order cannot be trusted upon.

13. Pertinently, the respondents have already attained the age of



superannuation. As per revised seniority all the terminal and pensionary benefits are settled in his favour. Therefore, implementing the writ order dated

22.11.2016 in W.P.No.40881 of 2016 would not arise at all. The subsequent Division Bench order since been implemented by the Government and pursuant to the said order, inter-se seniority between the direct recruit and regularly absorbed temporary Forest Guards were settled, this Court is of the considered view that the writ order deserves to be interfered with.

14. At this juncture, the learned counsel for the respondents would submit that the monetary benefits as per the Government Order issued in G.O.Ms.No.83 as applicable has not been settled. However, the learned Government Counsel opposed by stating that the benefits due to the respondents had already been settled. It is made clear that if the benefits are not settled, then the Authorities are bound to settle in accordance with the Government Order in G.O.Ms.No.83, Environment and Forests (FR.2-I) Department, dated 26.08.2019.

15. Accordingly, the impugned writ orders are aside and the Writ Appeals are allowed. No costs. Consequently, the connected miscellaneous petitions stand closed.

(S.M.S.,J.) (N.S.,J.)
05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vsi



To

1. J.Pandi

S/o. V. Jayaraj,

Forest Guard,

Anaimalai Tiger Reserve Forest,

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