



WEB COPY

WA No. 2200 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 2200 of 2024

and

CMP.No.15557 of 2024

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort. St. George, Chennai-9.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 15.

..Appellants

Vs

P.Kannaian

..Respondent

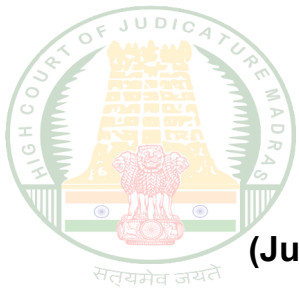
Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 14.09.2022 made in WP.No.24762 of 2022 and allow this Writ Appeal.

For Appellants :

Mr.Haja Nazirudeen,
Addl. Advocate General
assisted by Mr.T.Arunkumar,
Addl. Govt. Pleader

For Respondent :

Mrs.K.Jenitha



J U D G M E N T

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

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The present intra-Court appeal has been instituted challenging the writ order dated 14.09.2022 passed in W.P.No.24762 of 2022.

2. State preferred the present Writ Appeal 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 respondent was appointed as Plot Watcher 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.



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4. The learned counsel for the respondent would mainly contend that the respondent along with other 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



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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 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:-



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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:-

(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.

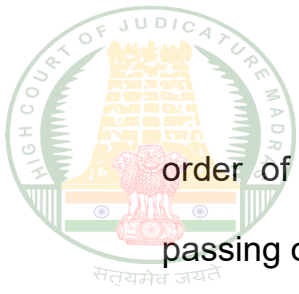
(d) Permission is accorded to the Principal Chief Conservator of Forests to fix the seniority of retired persons with their immediate juniors in the respective panels and to fix their pay as per proviso 1 to ruling 17 under FR.27.



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. Not satisfied with the above order of the Government, the respondent herein filed a fresh Writ Petition in W.P.No.24762 of 2022 seeking a direction to the Department to give notional promotion in the post of Forester on par with the petitioner's juniors as per the judgment made in W.P.No.40881 of 2016 dated 22.11.2016 by considering the representation submitted by the respondent on 23.11.2021. 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 2022 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 respondent filed the 2nd Writ Petition seeking implementation of the writ



order of the year 2016 after a lapse of about six years from the date of passing of the order i.e., 22.11.2016.

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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 respondent would mainly contend that the respondent was 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 respondent himself has 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 second Writ Petition in the year 2022 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

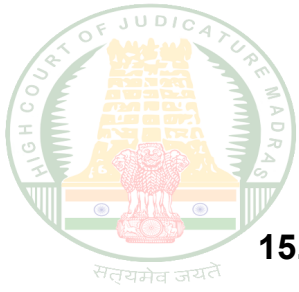


the Government issued orders in G.O.Ms.No.83 dated 26.08.2019. After completion of these processes, the respondent filed the second Writ Petition.

Thus, his contention that he was not aware of the fact regarding Division Bench order cannot be trusted upon.

13. Pertinently, the respondent has 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 respondent 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 Additional Advocate General opposed by stating that the benefits due to the respondent 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 order is set aside and the Writ Appeal is **allowed**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S.,J.) (K.S.,J.)
27-04-2026

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

DSA

To

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