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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 46071 of 2025 and
WMP Nos.51386 & 51389 of 2025

1.G.Ragothaman
2.P.Pachaya Pillai
3.M.Muniyan
4.P.Kannan
5.R.Devaraju

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep. By its Addl. Chief Secretary to Government,
Environment, Climate Change and Forest Department,
Fort St.George, Chennai 09.

2.The Principal Chief Conservator of Forest
and Head of Forest Force,
Forest Head Quarters,
Velachery Main Road, Guindy Chennai 32.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Letter No.9988/ FR2(II) / 2016-3, dated 16.03.2017 of the 1st respondent and quash the same in so far as to allow monetary benefits from the date of issue this letter and consequently directing the respondents to pay monetary benefits from the date of joining as forest watcher from 24.08.2005 (1st petitioner), from 02.07.2004 (2nd petitioner), from 24.10.2008 (3rd petitioner), from 03.11.2010 (4th petitioner) and from 23.08.2005 (5th petitioner) till the date of retirement as per Rule 27 (17) of the Tamil Nadu Fundamental rules.

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For Petitioner(s): Ms.K.Jenitha

For Respondent(s): Dr.T.Seenivasan Spl.G.P.

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 16.03.2017, thereby rejected the request made by the petitioners seeking monetary benefits from the date of his joining as Forest Watcher.

2.The petitioners had been employed in the forest department as Plot Watcher/Forest Guard. Prior to regularization of their service, they were engaged on daily wage basis. Thereafter, they were brought into regular time scale of pay of Forest Watcher, which is a cadre post. Therefore, they approached this Court and as directed by this Court their services were regularized as Forest Watcher.

3.The specific case of the petitioners is that they had joined in the forest department on daily wages. The petitioners and their juniors were included in the State wide seniority list drawn by the department by taking note of their date of joining in service on daily basis for bringing them into regular scale of pay of Forest Watcher. However, the seniority list was not maintained properly and the services of their juniors have been regularized on 24.01.1995. Therefore, the petitioners and others submitted representation and it was not considered as such, they were constrained to approach this Court in W.P.No.3890 of 2014, and

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the same was allowed by this Court by an order dated 13.02.2014 and directed to regularize their services on par with juniors.

4.As directed by this Court, the government issued order vide Letter No.9988/ FR2(II) / 2016-3, dated 16.03.2017, thereby regularized the petitioners and others services notionally from 24.01.1995 however granted monetary benefits from the date of issue of the order. It is contrary to the fundamental rules and they are entitled to get monetary benefits with effect from the date of joining as Forest Watcher as per F.R. 27(17) of the Tamil Nadu Fundamental Rules. It is relevant to extract the F.R. 27(17) of the Tamil Nadu Fundamental Rules, as follows:-

> *"In case, where a government servant has been overlooked for promotion/appointment to the next higher post but subsequently promoted/appointed to that higher post after restoration of his original seniority on appeal, his pay shall be fixed on the date of assumption of charge in the higher post on par with the pay of his junior provided he has not drawn the same rate of pay as junior in the lower post from time to time. If he has not drawn the same rate of pay as his junior in the lower post, his pay shall be fixed, on the date assumption of charge, at the stage at which he would have drawn pay on that date had he been promoted/appointed to the higher post along with his junior. In cases where seniority has been restored on or after 19th September 1981, arrears of pay and allowance consequent of pay shall be admissible with effect from the date of assumption*

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of charge in the higher post in cases where seniority has been restored prior to 19th September 1981 arrears shall be admissible only with effect from the above date."

5.The learned Government Advocate appearing for the respondents submitted that the Rule 27(17) of the Tamil Nadu Fundamental Rules, is not applicable to the case of the petitioners. The petitioners are not entitled for monetary benefits from the date of their notional regularization in the cadre of Forest Watcher. The petitioners' date of regularization will be counted for the purpose of pension and other benefits only. Admittedly, the petitioners had not been discharged their duty as Forest Watcher from the date on which they notionally regularized as Forest Watcher. Only from the date of their joining as Forest Watcher, they discharged their duty as Forest Watcher. Therefore, F.R.27(17) cannot be pressed into service in this case.

6.Heard, the learned counsel appearing on either side and perused the materials placed before this Court.

7.On perusal of records revealed that the petitioners are seeking monetary benefits only from the date of their joining as Forest Watcher, as per F.R.27(17) of the Tamil Nadu Fundamental Rules and G.O(2D).No.124, Environment, Climate Change and Forests (F.R2(ii)) Department dated 17.08.2022. In fact, the seniority has already been fixed and the petitioners' services were duly

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regularized on par with their juniors. Therefore, they are entitled for monetary benefits from the date of their joining as Forest Watcher.

8.In view of the above, the impugned order cannot be sustained and it is liable to be quashed. Accordingly, the order dated 16.03.2017 passed by the first respondent in Letter No.9988/ FR2(II) / 2016-3, Environment and Forests (FR-2) Department, is hereby quashed. The petitioners are entitled for monetary benefits only from the date of their joining as Forest Watcher. The respondents are directed to pay monetary benefits to the petitioners from the date of their joining as Forest Watcher viz., insofar as the first petitioner is concerned from 24.08.2005, the second petitioner is concerned from 02.07.2004, the third petitioner is concerned from 24.10.2008, the fourth petitioner is concerned from 03.11.2010, and the fifth petitioner is concerned from 23.08.2005 till the date of retirement within a period of twelve weeks from the date of receipt of a copy of this Order.

9.With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs. WMP Nos.51386 of 2025 is ordered on payment of separate Court fees by the petitioners.

Index:Yes/No **26-11-2025**
Speaking/Non-speaking order **(4/4)**
Internet:Yes
Neutral Citation:Yes/No
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G.K.ILANTHIRAIYAN, J.

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To
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