

Ref No.AB1/21033/2013

Office of the Principal Chief
Conservator of Forests(Head of
Department), Panagal Maaligai,
Saidapet, Chennai-15
dated 09.09.2019

Sub: Tamil Nadu Forest Subordinate Service – Hon'ble High Court order dated 17.4.2018 in W.A.Nos 811, 812 and 877 of 2011 and W.A[MD] No 1151 of 2017 – Implementation of the orders of the Hon'ble High Court –orders issued- Regarding

- Ref :
- 1) Hon'ble High Court Order dated 17.4.2018 in W.A.Nos 811, 812 and 877 of 2011 and W.A[MD].No 1151 of 2017.
 - 2) The Committee Constituted by the Hon'ble High Court Dated. 19.06.2018.
 - 3) Report of the Committee report constituted by the Hon'ble High Court dated 6.12.2018.
 - 4) G.O (Ms) No.83 Environment and Forests (FR.2-1) Department, Dated.26.08.2019

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The post of Forest Guards in the Tamil Nadu Forest Department are being filled up by various modes of recruitment, direct recruitment, promotion from the post of Forest Watcher and recruitment from the Tamil Nadu Basic Service in the Forest Department. Thus the feeder category from which the Forest Guard post are filled up by promotion is the post of Forest Watcher, which is filled by direct recruitment, absorption from state wide seniority of Plot Watchers / Village Social Forestry Workers, whose services were regularized subsequent to various Government orders.

2) The issue of inter-se-seniority among the Forest Guards who were recruited by various modes of recruitments, like promotion from Forest Watcher and direct recruitment is the subject matter of numerous litigations for many years and was adjudicated vide order dated 17.4.2018 in W.A.No 811 of 2011 and other batch cases before the Hon'ble High Court of Madras. In compliance of the above order,

and in supersession of all other previous fixations of seniority by earlier committee reports, the matter was referred to the Committee afresh vide this office reference 2nd cited to arrive at a final consideration on the issue.

3) In the order dated 17.4.2018, the Hon'ble High Court had ordered that

"21. In the present case, on the basis of the orders passed by the Tribunal as well as this court, Temporary promotion was given to the Plot Watchers / Social Forestry Workers, who were absorbed in the cadre of Forest Watchers, to the post of Forest Guards, without looking into the consequences of the rota-quota rule, which created anomaly between two classes viz., promotes and direct recruits of the Forest Guards. The rota-quota rule based on seniority has to be maintained in the matter of promotion among the persons whose services were regularised in the cadre of Plot Watchers and Social Forestry Workers. After regularisation from the temporary post, their turn comes for promotion to the post of Forest Guards as per the ratio in force. However, what is to be noticed has not been followed. The promotees who are ineligible, have enjoyed the benefit of promotion to the post Forest Guards, which, in our opinion, is against the rota-quota rule. Hence, such promotion can be treated as ad hoc promotion and they should be reverted back and given promotion, in accordance with the rota-quota rule.

22. In such view of the matter, this court has no incertitude in holding that there is violation of the rota-quota rule, which created greater anomalies promotes. To rectify the same, the matter is remanded to the committee constituted for the purpose of determining the seniority of Forest Guards for fresh consideration.

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 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 copy of the 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 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 regularization of the Forest Watchers, the committee shall act in accordance with the directions issued in G.O.Ms.No 95 Environment and Forests Department dated 7.8.2009.
- (v) The committee shall not count the service rendered by the promotees on account of adhoc promotion, while determining the seniority.

4) Accordingly, the committee constituted had invited representations from all the concerned parties including retired persons in order to prepare the inter-se-seniority list. The parties were requested to appear before the committee, file / send their representations in various dates starting from 27.6.2018 onwards on the dates fixed for the particular District / Division. After receiving petitions / representations from the parties including retired persons, the committee deliberated upon the issue while referring to the Hon'ble High Court orders, Government orders, rules and regulations in force, past decisions and representations from the parties concerned including retired persons and considering them carefully. The committee submitted its report on 06.12.2018, in which the inter-se-seniority list of Forest Guards was also finalised.

5) The committee report was sent to the Government for further orders and the Government in G.O (Ms) No 83 Environment and Forests (FR.2-1) Dated 26.8.2019 had ordered as follows:-

- 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 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.

6) In furtherance to the above Government order, the inter-se-seniority list of Forest Guards / Forest Guard with Driving Licence year wise from 2002 to 2017 is approved and communicated as per the Annexure and is also published in the department web-site for information of all the concerned parties including retired persons. The Provisional Seniority of 25 persons fixed by the Principal Chief Conservator of Forests in his proceedings no.AB2/33871/2005 dt.05.08.2009 is cancelled.

7) The above order is subject to the outcome of the orders of the Hon'ble Supreme court of India in Special Leave Petitions(C) No.19254/2018 and 29396/2018.

Encl : Annexure

Sd/- P.Durairasu
Principal Chief Conservator of Forests
(Head of Department)

To

All Additional Principal Chief Conservator of Forests / Chief Conservator of Forests / Conservator of Forests

2) All the concerned parties including retired persons may be made aware of the above inter-se-seniority list.

Copy to the Additional Principal Chief Conservator of Forests, Information Technology, O/o the Principal Chief Conservator of Forests, Chennai-15

The above correspondence and the inter-se-seniority list of Forest Guards / Forest Guard with Driving Licence in the Annexure may be uploaded in the department web-site.

// True Copy by Order//


Superintendent 9/9/19


9/9/19