IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.33680 of 2014

K.Vemban [Petitioner]

Vs

1 The State of Tamilnadu
Rep by is Secretary to Government
Environment and Forest Department
Fort St. George Chennai 9

2 The Principal Chief Conservator of Forest
Panagal Building
Saidapet Chennai 15

3 The Assistant Conservator of Forests
Forest Research Centre
Kolabakkam Centre Chennai 127

4 The Principal Accountant
General of Tamilnadu Teynampet Chennai 18 [Respondents]

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing 1 to 3 respondents to count half of service rendered by the petitioner as Plot Watcher along with the regular service as Mali i.e. from 01.08.2007 till the date of his retirement on 31.01.2015 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent.

For Petitioner : Ms.K.Jenitha
For Respondent : Mr.N.Inbanathan, GA (1-3)

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O R D E R

The petitioner joined as Plot Watcher in Forest Department on 01.04.1980. He was paid wages on daily basis. The petitioner now seeks a writ of mandamus, directing the respondents to count half of his service ie., from 01.04.1980 to 31.07.2007 along with regular service as Mali i.e. from 01.08.2007 till the date of his retirement

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on 31.01.2015 as qualifying service for fixing pension and payment of consequential monetary benefits.

2. The issue raised by the petitioner is no more res-integra in view of the earlier decisions of this Court. This Court directed the respondents to take into account the services rendered by Social Forest Workers while counting their regular services. The said order was challenged before the Hon'ble Supreme Court in S.L.P.Nos.16119 and 16120 of 2012. The Special Leave Petition were dismissed. Thereafter, the Government issued G.O.Ms.No.139, Environment and Forests (FR-2) Department dated 05.09.2013, for sanction of pension to the petitioners therein taking into account 50% of the service rendered on daily wages along with regular service. The petitioner is also similarly situated. Similar writ petitions were disposed of by this Court in W.P.(MD)Nos.14157 to 14163 of 2013 by order dated 20.01.2014, directing the respondents therein to count 50% of the services rendered on daily wages along with regular service.

3. There is no dispute that the petitioner worked as Plot Watcher from 01.04.1980 to 31.07.2007. In view of the Government Order referred to above, the petitioner is also entitled to count the service rendered on daily wages along with regular service for the purpose of fixing the qualifying service.

4. The respondents 1 to 3 are directed to pass orders within a period of two weeks counting the service of the petitioner as Plot Watcher from 01.04.1980 to 31.07.2007 along with his regular service and send the same to the 4th respondent for paying pension. The respondents 1 to 3 are directed to send a proposal. The 4th respondent is directed to act in accordance with the order and fix the pension and pay benefits to the petitioner within a period of two months from the date of receipt of order from the Government.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar
Dated:25.2.15

True Copy

Sub Assistant Registrar

To

1 The Secretary to Government of Tamilnadu
Environment and Forest Department
Fort St. George Chennai 9

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+1 cc to M/s.K.jenitha, Advocate, SR.8487.

+1 cc to the Special Government Pleader, Forest,SR.8185.

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krd 5/3

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