

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23397/2015

V.Subramanian

... Petitioner

Versus

- 1.The Secretary to the Government
State of Tamil Nadu
Environment and Forest Department
Fort St George, Chennai-9.
- 2.the Principal Chief Conservator of Forests
Panagal Building, Saidapet, Chennai-15.
- 3.The Deputy Director & Wildlife Warden
Tiger Reserve, Ambasamudram, Ambai Taluk
Tirunelveli District.
- 4.The Principal Accountant General of Tamilnadu
Teynampet, chennai-18.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.04.1991 to 05.07.2010 along with the regular service rendered as Permanent Plot Watcher till the date of retirement on 30.06.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the 4th respondent.

For Petitioner : M/s.K.Jenitha

For RR 1 to 3 : Mr.N.Inbanathan, GA [Forests]

For R4 : Mr.V.Vijayshankar

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he has joined in the service as Fire Watcher on 01.04.1991 in Forest Range Officer, Kadayam Forest Range, Kadayam and subsequently, he was absorbed as Anti Poaching Watcher from August 1996 at Tiger Reserve, Ambasamudram, Ambai Taluk, Tirunelveli District and continued in the said post till retirement. The petitioner would further state that after

completion of 20 years of service, he was brought under the regular time scale of pay as Anti Poaching Watcher [Supernumerary post] with effect from 07.06.2010 as per the proceedings in Se.Mu.O.No.Pa2/4230/2010 dated 13.07.2010 by the Deputy Director/Wild Life Warden, Ambasamudaram and he has reached the age of superannuation and was permitted to retire from service on 30.06.2014 vide proceedings of the 3rd respondent dated 30.06.2014. The claim of the petitioner is that he is entitled to count half of the service rendered by him as Fire Watcher between 01.04.1991 and 05.07.2010 along with the regular service rendered as permanent Fire Watcher and similarly placed persons have filed WP.No.8205/2011 for similar relief and it was allowed by this Court on 19.04.2011 and it was put to challenge in WA.Nos.27 & 28/2012 and vide judgment dated 13.02.2012, a Division Bench of this Court has confirmed the orders passed in the writ petition and the further challenge made to the Hon'ble Supreme Court has also ended in dismissal, vide order dated 10.05.2012 in SLP [Civil] Nos.14838 & 14839/2012 and 16119 and 16120/2012 and the review filed against the said order has also ended in dismissal on 20.07.2013 and the said order was also implemented by the Government by issuing G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012. The petitioner, in this regard, has submitted a representation dated 01.01.2013 and since he has not been favoured with any response, he came forward to file this writ petition.

3.The learned counsel for the petitioner would submit that in the light of series of orders passed by this Court as stated above, coupled with the issuance of G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012, the petitioner is entitled to get similar benefit and prays for appropriate orders.

4.Heard the submissions of Mr.N.Inabnathan, learned Government Advocate [Forests] who accepts notice for the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel who accepts notice for the 4th respondent.

5.Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a reminder along with his earlier representation dated 01.01.2013 to the respondents 1 to 3 along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 to 3, on receipt of the same, are directed to consider the claim of the petitioner in the light of the orders passed by this Court as well as by the Hon'ble Supreme Court of India and G.O.Ms.No.183, Environment and Forest Department, dated 18.07.2012 and pass orders in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner herein.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary to the Government
State of Tamil Nadu
Environment and Forest Department
Fort St George, Chennai-9.

2.the Principal Chief Conservator of Forests
Panagal Building, Saidapet, Chennai-15.

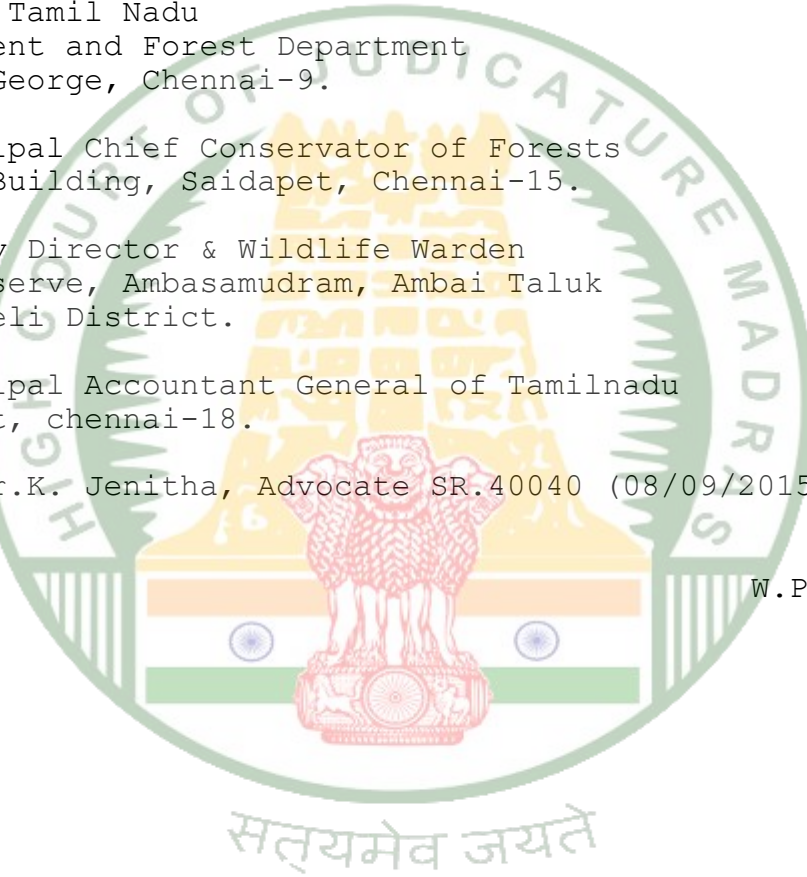
3.The Deputy Director & Wildlife Warden
Tiger Reserve, Ambasamudram, Ambai Taluk
Tirunelveli District.

4.The Principal Accountant General of Tamilnadu
Teynampet, chennai-18.

+ 1 cc to Mr.K. Jenitha, Advocate SR.40040 (08/09/2015)

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CA(CO)
EU 27.08.15



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