

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 16.2.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.26584 OF 2014

C.Munusami

...Petitioner

versus

1.The Government of Tamil Nadu,  
rep. By its Secretary,  
Environment and Forest Department,  
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forest,  
having office at Panagal Maaligai,  
Saidapet, Chennai 600 015.

3.The District Forest Officer,  
Chengalpattu Division,  
Kancheepuram.

4.The Accountant General of Tamil Nadu,  
Office at DMS Compound,  
Teynampet,  
Chennai 600 018.

...Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wag basis from 1.10.1984 till 20.4.2011 along with the regular service rendered by him as Forest Watcher from 21.4.2011 till the date of his retirement viz., 31.5.2013, as qualifying service and send the revised proposal to the 4<sup>th</sup> respondent, grant pension to the petitioner with all consequential monetary benefits.

For petitioner

Mr.S.Mani

For respondents

Mr.N.Inbanthan, Government Advocate (Forest)

## O R D E R

The delay on the part of the respondents to consider the representation submitted by the petitioner to count the service rendered by him as "Plot Watcher" on daily wages from 1 October 1984 to 20 April 2011, along with the regular service rendered by him as Forest Watcher subsequently, made him to file this Writ Petition, after attaining the age of superannuation.

### Summary of facts :-

2. The petitioner was initially appointed as plot watcher on daily wages. The appointment was made on 1 October 1984 by the Forest Department. Thereafter, pursuant to the orders passed by the High Court, the Government issued a statewide seniority list, indicating the names of daily rated employees. The petitioner was shown in Serial No.1555. The Government operated statewide seniority list on the basis of seniority. The petitioner was brought in the time scale of pay as forest watcher, with effect from 21 April 2011. The petitioner, on attaining the age of superannuation, retired on 31 May 2013. The case of the petitioner was not considered for pension on account of the limited years of service he rendered, subsequent to the order of regularization. The petitioner having found that under similar circumstances, the Government have counted half of the earlier service, pursuant to the orders passed by this Court, submitted a representation on 1 September 2013, requesting the 2<sup>nd</sup> respondent to give him the benefit of past service. The said representation appears to be pending on the file of 2<sup>nd</sup> respondent.

3. The learned counsel for the petitioner placed reliance on several orders passed by this Court, directing the respondents to count half of the service rendered by plot watchers before their regularization for the purpose of grant of pensionary benefits.

4. I have also heard the learned counsel for the respondent.

### Analysis :-

5. There is no dispute that the petitioner earlier worked as plot watcher from 1 October 1984 till he was regularized on 21 April 2011. Name of the petitioner was included in the statewide seniority list prepared by the Government. It is also the admitted case of the parties that the petitioner was granted regular time scale of pay by proceedings dated 21 April 2011.

6. The issue relating to recognition of 50% of earlier service for the purpose of pensionary benefits came up for consideration before this Court on several occasions. The order passed by this

Court dated 13 June 2012 in W.P.Nos. 2185 of 2012 etc. batch contains the details of the earlier proceedings, and the view taken by this Court to count 50% of the service rendered for grant of pensionary benefits.

7. The order dated 13 June 2012 in W.P.No.2185 of 2012 reads thus :-

"The petitioners have come up with the above Writ Petitions seeking a mandamus directing the respondents to count half of the service rendered by them prior to their regularization for the purpose of grant of pensionary benefits.

2. Heard Mr.S.Mani, learned counsel for the petitioners, Mr.N.Inbanathan, learned Government Advocate (Forests) appearing for the respondents 1 to 3 in all the Writ Petitions and Mrs.Hema Muralikrishnan, learned counsel appearing for the 4<sup>th</sup> respondent in W.P.No.2308 of 2012 and the 5<sup>th</sup> respondent in W.P.No.2815 of 2012.

3. It is admitted on both sides that the issue raised in these Writ Petitions is covered by the decision of N.Paul Vasanthakumar, J. in W.P.No.8205 of 2011 dated 19.4.2011 and W.P.No.13832 of 2011 dated 29.6.2011. Both these orders were confirmed by the Division Bench in W.A.No.27 and 28 of 2012 by a common judgment dated 13.2.2012. The special leave petitions filed by the State against these judgments in S.L.P.(Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.5.2012.

4. Therefore, the Writ Petitions are allowed on the same lines as the above Writ Petitions were allowed. The order shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, all connected pending M.Ps are closed."

8. The Government have implemented the earlier orders passed by this Court directing the Government to count 50% of the service rendered as Plot Watchers. The Government have issued an order in G.O.(3D) No.7 dated 18 March 2014, for the purpose of implementing the orders of this Court. The Government have thus recognized 50% of the earlier service rendered by the plot watchers for the purpose of counting their total service for grant of pension. The petitioner is similarly situated and as such, he is also entitled to the benefits of the earlier orders.

Direction :-

9. In the result, a writ in the nature of a writ of mandamus is issued directing the first respondent to dispose of the representation submitted by the petitioner dated 1 September 2013, by counting half of the service rendered by him as plot watcher on daily wages from 1 October 1984 to 20 April 2011, in the light of the order in W.P.Nos.2185 of 2012 etc. batch and the subsequent Government Order in G.O.(3D) No.37 dated 18 March 2014, such exercise shall be completed within a period of three months from the date of receipt or production of a copy of this order.

10. The Writ Petition is allowed as indicated above. No costs. Consequently, M.P.No. is also closed.

Sd/-  
Assistant Registrar(AD-I)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,  
Environment and Forest Department,  
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forest,  
having office at Panagal Maaligai,  
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3.The District Forest Officer,  
Chengalpattu Division, Kancheepuram.

4.The Accountant General of Tamil Nadu,  
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1 CC to Mr.S.Mani, Advocate SR.No. 8181  
1 CC to the Government Pleader, SR.No. 8186

W.P.No.26584 OF 2014

SSI (CO)  
PSI (25.02.2015)