

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12701 of 2016

K.Nagammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its 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. District Forest Officer,
Social Forestry Division,
Kallakurichi,
Villupuram District.
4. The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as Plot Watcher from 01.10.1982 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of death on 27.05.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame by this Court.

For Petitioner : M/s.K.Jenitha

For Respondents : Mr.N.Inabanathan,
1 to 3 Government Advocate (Forest)

For 4th respondent : Mr.V.Murali

COMMON ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as Plot Watcher from 01.10.1982 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 27.05.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame by this Court.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents 1 to 3 and the learned Counsel for the 4th respondent.

4. It is admitted on both sides that the issue raised in the present writ petition is covered by the decision of this Court made 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.Nos.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.

5. Therefore, the present writ petition is allowed on the same lines as the above writ petitions were allowed. The orders shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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

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

3. The District Forest Officer,
Social Forestry Division,
Kallakurichi,
Villupuram District.

4. The Principal Accountant
General of Tamil Nadu,
Teynampet, Chennai - 18.

+1cc to Mr.K.Jenitha, Advocate, S.R.No.57269

+1cc to Mr.V.Murali, Advocate, S.R.No.56857

+1cc to the Special Government Pleader(Forest), S.R.No.57100

W.P.No.12701 of 2016

AK(CO)
CA(19/10/2016)



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