

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-01-2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.11934 and 11941 of 2015

S.Andi ..Petitioner
in W.P.No.11934 of 2015

U.Govindan ..Petitioner
in W.P.No.11941 of 2015

-vs-

- 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 ... 1 & 2 Respondents 015.
in both the writ petitions
- 3.The District Forest Officer,
Srivilliputhur,
Virudhunagar District. ..3rd respondent
in W.P.No.11934 of 2015
- 3.The District Forest Officer,
Thiruvannamalai North Division,
At Polur. ... 3rd respondent
in W.P.No.11941 of 2015
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018. .. 4th Respondent
in both the writ petitions

Prayer in W.P.No.11934 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher (NMR)

on daily wage basis from 04.09.1981 till 11.01.2004 along with the regular service rendered by him as Forest Watcher from 12.01.2004 till the date of the petitioner's retirement namely 31.07.2016 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer in W.P.No.11941 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1981 till 17.12.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 18.12.2003 till the date of the petitioner's retirement namely 31.07.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioners : Mr.S.Mani
(For both the petitions)

For Respondents: Mr.N.Inbanathan, 1 to 3
Government Advocate (Forest)
(For both the petitions)

For 4th
Respondent : Mr.V.Vijay Shankar
(For both the petitions)

COMMON ORDER

Since both the Writ Petitions arise out of a common question of law, they are being disposed of in common.

2. When the writ petitions are taken up for hearing, the learned counsel for the petitioners as well as the learned counsel for the respondents would submit, that the issue involved in these Writ Petitions is squarely covered by an order of this Court, passed in a batch of cases in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, wherein this Court has held in paragraphs 4,5 and 6, as follows :

"4. At the outset, the learned counsel appearing for the petitioners has submitted that the issue involved in these Writ Petitions is no longer res integra, as a similarly placed person filed W.P.No.8205 of 2011, seeking to count half of the service rendered by him on daily wages basis along with regular service for conferment of pension. The said Writ Petition was allowed by this Court, by order dated

19.04.2011, which was also confirmed by the Hon'ble Division Bench of this Court, by judgment dated 13.02.2012, passed in W.A.Nos.27 & 28 of 2012, and the same was also affirmed by the Hon'ble Supreme Court, by order dated 10.05.2012, passed in Special Lelave Petitions, viz., in SLP (C) Nos.14838 to 14839 of 2012 and 16119 to 16120 of 2012, and the Revision Petition (C) No.1418 of 2013, filed against the said order, dated 10.05.2012, was also dismissed by the Hon'ble Supreme Court, by order, dated 30.07.2013, and the order was also implemented by the Government, by issuing G.O.Ms.No.183, Environment and Forest Department, dated 18.07.2012. Therefore, the learned counsel prayed for allowing the Writ Petitions.

5. The learned Government Advocate appearing for the respondents 1 to 3 has fairly conceded that the issue involved in these Writ Petitions is covered by the order, dated 19.04.2011, made in W.P.No.8205 of 2011, relied upon by the learned counsel appearing for the petitioners.

6. Thus, in the light of the order, dated 19.04.2011, passed in W.P.No.8205 of 2011, the present Writ Petitions are also allowed on the same lines, viz., directing the respondents 1 to 3 to count half of the service rendered by the petitioners as Social Forest Worker/Plot Watcher on daily wage basis along with regular service rendered by them till their date of retirement, as qualifying service and send a revised proposal to the Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. The Accountant General is directed to consider the same and pass orders within a period of six weeks thereafter. No costs."

3. Following the order passed by this Court in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, as above, both the Writ Petitions are also allowed on the same lines, directing the respondents 1 to 3 to count half of the service rendered by the petitioners as Plot Watcher on daily wage

basis along with regular service rendered by them till their date of retirement, as qualifying service and send a revised proposal to the Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. The Accountant General is directed to consider the same and pass orders within a period of six weeks thereafter. No costs.

4. The learned Government Pleader (Forest) is entitled to individual legal fee, in all the cases.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
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,
Srivilliputhu,
Virudhunagar District.
- 4.The District Forest Officer,
Thiruvannamalai North Division,
At Polur.
- 5.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-600 018.

+2ccs to M/s. S. Mani, Advocate, S.R.No.5794 & 5795
+1cc to M/s. Vijay Shankar, Advocate, S.R.No.6163
+1cc to the Special Government Pleader, S.R.No.5922

RSK(CO)
EU(29/02/2015)

W.P.Nos.11934 and 11941 of 2015