

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos. 2175 to 2187 of 2016

P.Tamilselvan	...Petitioner in W.P.2175/16
R.Karuppannan	...Petitioner in W.P.2176/16
M.Subramani	...Petitioner in W.P.2177/16
A.Ayyam Perumal	...Petitioner in W.P.2178/16
I.Dhasaradhan	...Petitioner in W.P.2179/16
A.Krishnan	...Petitioner in W.P.2180/16
N.Vedaiyan	...Petitioner in W.P.2181/16
N.Yogambal	...Petitioner in W.P.2182/16
M.Periyanan	...Petitioner in W.P.2183/16
S.Lakshmi	...Petitioner in W.P.2184/16
E.T.Vasanthakumari	...Petitioner in W.P.2185/16
P.Narayanan	...Petitioner in W.P.2186/16
A.Subramanian	...Petitioner in W.P.2187/16

-Vs-

The Government of Tamil Nadu,
rep.by its Secretary,
Environment and Forest Department,
Secretariat, Chennai-600 009.1st Respondent in
WPs.2175 to 2187/16

The Principal Chief Conservator of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai-600 015.2nd Respondent in
WPs.2175 to 2187/16

The District Forest Officer,
Sivagangai,
Virudhunagar.3rd Respondent in
WPs.2175 & 2178/16

The District Forest Officer,
Salem.3rd Respondent in
WPs.2176 & 2187/16

The District Forest Officer,
Thiruvannamalai North Division,
At Polur.3rd Respondent in
WP.2177/16

The District Forest Officer,
Tirupathur, Vellore District.

...3rd Respondent in
WPs.2179 & 2184/16

The Divisional Forest Officer,
Social Forestry Division,
Chengalpattu, Kacheepuram District.

...3rd Respondent in
WP.2180/16

The Wild Life Warden,
Wild Life Division,
Nagapattinam.

...3rd Respondent in
WP.2181/16

The District Forest Officer,
Pudukottai.

...3rd Respondent in
WP.2182/16

The Divisional Forest Officer,
Sivagangai, Virudhunagar.

...3rd Respondent in
WPs.2178 & 2183/16

The District Forest Officer,
Erode.

...3rd Respondent in
WP.2185/16

The District Forest Officer,
Vellore.

...3rd Respondent in
WP.2186/16

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

...4th Respondent in
WPs.2175 to 2187/16

Writ Petitions filed under Article 226 of the
Constitution of India, praying to

i. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.2.1981 till 23.9.2003 along with
the regular service rendered by him as Forest Watcher and
Forest Guard from 24.9.2003 till the date of his retirement
namely 30.11.2015 as qualifying service, send the revised
proposal to the 4th respondent, grant pension to the petitioner
with all consequential monetary benefits. (W.P.No.2175 of 2016)

ii. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.3.1981 till 15.9.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 16.9.2003 till the date of his retirement namely 30.11.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2176 of 2016)

iii. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.12.1983 till 6.5.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 7.5.2003 till the date of his retirement namely 31.10.2014 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2177 of 2016)

iv. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.4.1983 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 7.8.2009 till the date of his retirement namely 28.2.2014 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2178 of 2016)

v. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.11.1982 till 5.1.2007 along with the regular service rendered by him as Forest Watcher from 6.1.2007 till the date of his retirement as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2179 of 2016)

vi. Issue a Writ, direction or Order in the nature of a Writ of Mandamus, directing the respondents 1 to 3 to pass appropriate orders to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.1.1984 to 17.12.2013 along with the regular service rendered by him as Plot Watcher (Supernumerary) from 18.12.2013 till the date of his retirement as qualifying service for the purpose of grant of pension, send a proposal thereof to the 4th respondent. (W.P.No.2180 of 2016)

vii. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.9.1983 till 6.8.2009 along with the

regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 7.8.2009 till the date of his retirement namely 31.10.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2181 of 2016)

viii. Issue a Writ, direction or Order in the nature of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioners husband as Plot Watcher from 1.10.1981 to 16.12.2003 on daily wage basis along with the regular service rendered by him as Forest Watcher and Forest Guard from 17.12.2003 till 7.2.2015 the date prior to his death on 8.2.2015, so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposal to the 4th respondent, direct the 4th respondent to pay family pension to the petitioner with all consequential benefits. (W.P.No.2182 of 2016)

ix. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.3.1983 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 7.8.2009 till the date of his retirement namely 31.7.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2183 of 2016)

x. Issue a Writ, direction or Order in the nature of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner s husband as Social Forestry Worker from 1.5.1982 to 29.12.2004 on daily wage basis along with the regular service as Forest Watcher from 30.12.2004 till 31.7.2013, the date prior to his death on 4.11.2013 so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposal to the 4th respondent, direct the 4th respondent to pay family pension to the petition with all consequential benefits. (W.P.No.2184 of 2016)

xi. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.3.1983 till 29.7.2009 along with the regular service rendered by him as Forest Watcher from 30.7.2009 till the date of her retirement namely 28.2.2014 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2185 of 2016)

xii. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.11.1985 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 7.8.2009 till date of his retirement namely 31.5.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2186 of 2016)

xiii. Issue a Writ, direction or Order in the nature of 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 wage basis from 1.12.1985 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 7.8.2009 till the date of his retirement namely 31.8.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits. (W.P.No.2187 of 2016)

For petitioner : Mr.T.Sellapandian,
for M/s.S.Mani.

For respondents 1 to 3 : Mr.N.Inbanathan,
Government Pleader (Forest)

For respondent 4 : Mr.V.Vijayashankar

COMMON ORDER

Since all these Writ Petitions arise out of a common question of law, all of them are being disposed of in common.

2. For the sake of disposal, let us take W.P.No.2175 of 2016. This Writ Petition has been filed, praying for issuance of a 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 01.02.1981 till 23.09.2003, along with the regular service rendered by him as Forest Watcher and Forest Guard from 24.09.2003, till the date of his retirement, namely, 30.11.2015, as qualifying service; send the revised proposal to the fourth respondent, and grant pension to the petitioner, with all consequential monetary benefits.

3. Learned counsel for the petitioners as well as the learned counsel for the respondents would submit, that the issue involved in all 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 Leave 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."

4. Following the order passed by this Court in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, as above, these 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 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.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Secretary
The 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,
Sivagangai,
Virudhunagar.

4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-600 018.
5. The District Forest Officer,
Salem.
6. The District Forest Officer,
Thiruvannamalai North Division,
Polur.
7. The District Forest Officer,
Tirupathur, Vellore District.
8. The Divisional Forest Officer,
Social Forestry Division,
Chengalpattu, Kacheepuram District.
9. The Wild Life Warden,
Wild Life Division,
Nagapattinam.
10. The District Forest Officer,
Pudukottai.
11. The Divisional Forest Officer,
Sivagangai, Virudhunagar.
12. The District Forest Officer,
Erode.
13. The District Forest Officer,
Vellore.

+13cc's to Mr.S.Mani, Advocate, S.R.No.3738
+1cc to the Government Pleader, S.R.No.3802

SCD(CO)
CA(09/03/2016)

W.P.No.2175 of 2016 & BATCH

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