

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-01-2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No. 2240 of 2016

E. Ranganathan

... Petitioner

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 - 600 015.
3. The District Forest Officer
Sathyamangalam, Erode District.
4. The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet
Chennai - 600 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to count half of hte service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1981 till 22.12.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 23.12.2003 till the date of his retirement namely 30.06.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr. T.Sellapandian
for Mr.S.Mani

For RR 1 to 3 : Mr.N.Inbanathan
Government Pleader (F)

For 4th respondent : Mr.V.Vijay Shankar

ORDER

This Writ Petition has been filed, praying for issuance 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 01.10.1981 till 22.12.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 23.12.2003 till the date of his retirement namely 30.06.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

2. Learned counsel for the petitioner as well as the learned counsel for the respondents would submit, that the issue involved in the Writ Petition 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."

3. Following the order passed by this Court in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, as above, the Writ Petition is also allowed on the same lines, directing 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 22.12.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 23.12.2003 till the date of his retirement namely 30.06.2015 as qualifying service, send the revised proposal to the fourth respondent, 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.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

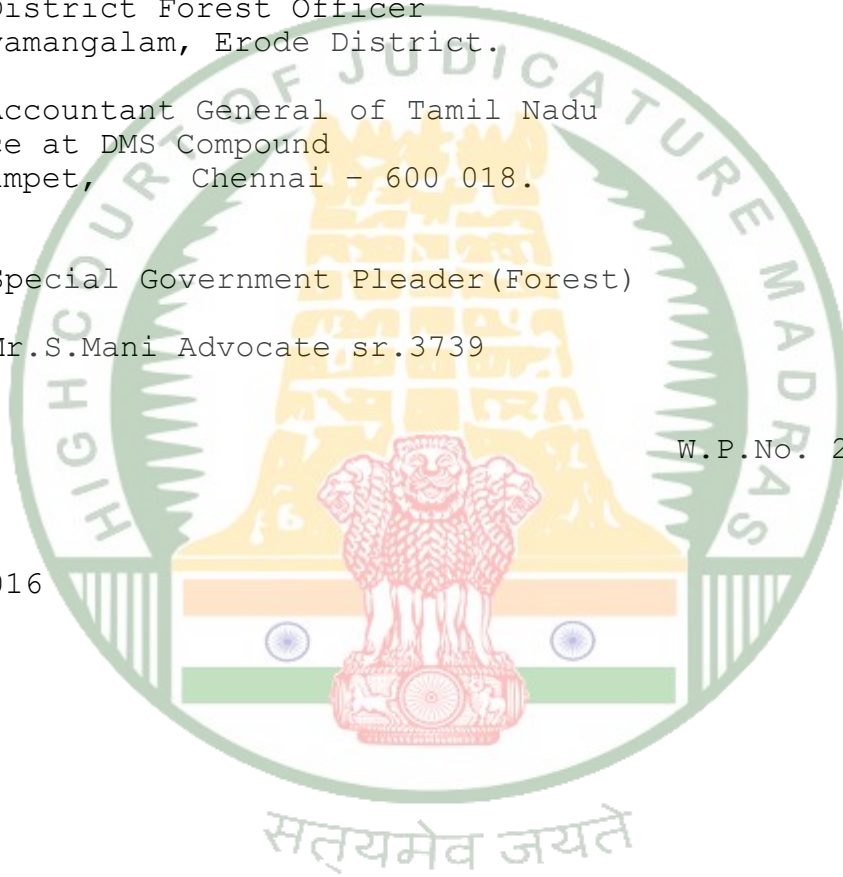
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+1 cc to Special Government Pleader (Forest)
sr.3801

+1 cc to Mr.S.Mani Advocate sr.3739

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