

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.32698 to 32704 and

32706 and 32707 of 2016

V.Perumal ... Petitioner in WP.32698/16
S.Maruthaiah ... Petitioner in WP.32699/16
M.Thulasiraman ... Petitioner in WP.32700/16
S.Nagarajan ... Petitioner in WP.32701/16
V.Chandrakesavan ... Petitioner in WP.32702/16
M.Varadharajan ... Petitioner in WP.32703/16
P.kandasamy ... Petitioner in WP.32704/16
C.Dhanapal ... Petitioner in WP.32706/16
R.Rengaraju ... Petitioner in WP.32707/16

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Environment and Forest Department,
Secretariat, Chennai-9.
- 2.The Principal Chief Conservator of
Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-15. ...R1&R2 in all the WPs
- 3.The Divisional Forest Officer,
Thoothukudi District. ...R3 in WP.32698 & 32699/16
- 3.The District Forest Officer,
Vellore District. ...R3 in WP.32700/16
- 3.The Conservator of Forest,
Forest Research Region,
Coimbatore. ...R3 in WP.32701/16
- 3.The District Forest Officer,
Chennai Division & Circle ...R3 in WP.32702/16
- 3.The District Forest Officer,
Namakkal. ...R3 in WP.32703, 32704/16

3.The District Forest Officer,
Tiruvannamalai Nort Divisional
at Polur. ..R3 in WP.32706/16

3.Divisional Forest Officer,
Interface Division, Salem. ..R3 in wP.32707/16

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18. .. R4 in all WPs

WP.32698/16: Writ petitions filed under Article 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 wage basis from 10.12.1982 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (supernumery post) from 07.08.2009 till the date of his retirement viz., 30.6.2014 as qualifying service, send the revosed proposal to the fourth respondent, grant of pension to the petitioner with all consequential monetary benefits.

WP.No.32699/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage from 1.11.1985 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 31.08.2014 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.32700/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage from 1.9.1981 till 2.11.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 3.11.2003 till the date of his retirement namely 31.05.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.32701/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 2.3.1979 till 22.12.2004 along with the regular service rendered by him as Mali from 23.12.2004 till the date of his retirement namely 31.03.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.32702/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.5.1984 till 6.8.2009 along with the regular service rendered by him as Plot Watcher Supernumerary Post 7.8.2009 and Forest Watcher and Forest Guard from till the date of his retirement namely 31.01.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.32703/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.7.1984 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 31.03.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.no.32704/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.12.1974 till 15.4.2003 along with the regular service rendered by him as Forest Watcher from 16.4.2003 till the date of his retirement namely 31.12.2015 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.no.32706/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 22.8.1978 till 16.4.2004 along with the regular service rendered by him as Forest Watcher from 17.4.2004 till the date of his retirement namely 30.06.2016 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.32707/16: Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 7.5.1984 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 28.02.2010 as qualifying service send the revised proposals to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Mani
in all the writ petitions.

For Respondents : Mr.N.Inabanathan,
Govt. Advocate (Forest),
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents 1 to 3 to count half of the service rendered by them as Plot Watchers on daily wage basis along with the regular service rendered by them as Plot Watchers / Mali / Forest Guard till the date of their retirement as qualifying service and send the revised proposal to the fourth respondent for grant of pension to them with all consequential monetary benefits.

3. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

4. It is admitted on both sides that the issue raised in the present writ petitions 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, all the writ petitions are 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/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai-9.

2.The Principal Chief Conservator of
Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-15.

3.The Divisional Forest Officer,
Thoothukudi District.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18.

5.The District Forest Officer,
Vellore District.

6.The Conservator of Forest,
Forest Research Region,
Coimbatore.

7.The District Forest Officer,
Chennai Division & Circle

8.The District Forest Officer,
Namakkal.

9.The District Forest Officer,
Tiruvannamalai North Divisional
at Polur.

10.Divisional Forest Officer,
Interface Division, Salem.

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ksj(co)
krd 29/11

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W.P.Nos. 32698 to 32704 and
32706 and 32707 of 2016