

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.32775 and 32776 of 2016

Vediammal ... Petitioner in WP.No.32775/2016

Lakshmi ... Petitioner in WP.No.32776/2016

vs.

1. The Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai-9.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai-15.
3. The District Forest Officer,
Harur Forest Division,
Harur, Dharmapuri District.
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai,
Teynampet, Chennai-18.

... Respondents in
both the writ petitions

WP.No.32775 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner's husband viz., P.Kasi as Social Forestry Worker / Plot Watcher from 01.06.1983 to till

13.10.2008 along with regular service rendered by him as Forest Watcher and Forest Guard on from 14.10.2008 to 12.01.2016 as qualifying service for pensionary benefits and send the proposal to the fourth respondent for granting family pension with all consequential monetary benefits.

WP.No.32776 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner's husband viz., T.Subramani as Plot Watcher on from 03.12.1986 to till 06.08.2009 along with regular service rendered by him as Plot Watcher in the supernumery post and Forest Watcher on from 07.08.2009 to 01.05.2016 as qualifying service for pensionary benefits and send the proposal to the fourth respondent for granting family pension with all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian
in both the writ petitions.

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

COMMON ORDER

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

2. The writ petition in W.P.No.32775 of 2016 has been filed for a mandamus directing the respondents to count half of the service rendered by the petitioner's husband viz., P.Kasi as Social Forestry Worker / Plot Watcher from 01.06.1983 to till 13.10.2008 along with regular service rendered by him as Forest Watcher and Forest Guard on from 14.10.2008 to 12.01.2016 as qualifying service for pensionary benefits and send the proposal to the fourth respondent for granting family pension with all consequential monetary benefits.

3. The writ petition in W.P.No.32776 of 2016 has been filed for a mandamus directing the respondents to count half of the service rendered by the petitioner's husband viz., T.Subramani as Plot Watcher on from 03.12.1986 to till 06.08.2009 along with regular service rendered by him as Plot Watcher in the supernumery post and Forest Watcher on from 07.08.2009 to 01.05.2016 as qualifying service for pensionary

benefits and send the proposal to the fourth respondent for granting family pension with all consequential monetary benefits.

4. 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.

5. 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.

6. Therefore, all the writ petitions are allowed on the same lines as the above writ petitions were allowed. The respondents are directed to count half of the service rendered by the one P.Kasi, the husband of the petitioner in W.P.No.32775 of 2016 and one T.Subramani, the husband of the petitioner in W.P.No.32776 of 2016 as Plot Watchers on daily wage basis along with regular service rendered by them as Forest Watcher and Forest Guard / Forest Watcher from 14.10.2008 to 12.1.2016 and 9.8.2009 to 1.5.2016 respectively, as qualifying service for calculating pensionary benefits and send proposal to the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fifth respondent is directed to consider the same and pass orders, within a period of six weeks thereafter. No costs.

Sd/-

Assistant Registrar()

//True Copy//

Sub Assistant Registrar

To

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

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genies Road,
Panagal Maligai,
Saidapet, Chennai-15.

3.The District Forest Officer,
Harur Forest Division,
Harur, Dharmapuri District.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai,
Teynampet, Chennai-18.

+2cc to Mr.M.R.Jothimanian, Advocate, S.R.No.53322 &53321

(CO)VD
CP(21/10/2016)

W.P.Nos. 32775 and
32776 of 2016

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