

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33153 of 2016 and

WMP.No.28671 of 2016

M.Thandavarayan

... Petitioner

vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
F2 Forest and Environment Department
Fort St. George, Chennai-9.
 - 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.
 - 3.The Forest Range Officer,
Arakonam Social Forestry Range,
Walajapet T.K., Vellore District.
 - 4.The Divisional Forest Officer,
Interforce Forestry Division,
Dharmapuri District, Dharmapuri-5.
 - 5.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records of the 4th respondent in his Proceedings in No.Na.Ka.474/2016/E, dated 30.08.2016 and quash the same and consequently, direct the respondents 1 to 4 to count half of service rendered by the petitioner from the date of joining in service as Plot Watcher from 01.09.1980 to 05.02.2014 along with regular service rendered by the petitioner as Mali from 06.02.2014 to 29.02.2016 and send the revised proposal to the 5th respondent to grant pension with all consequential pensionary benefits to the petitioner from the date of retirement and arrears with interest.

For Petitioner : Mr.P.Rajesh
For Respondents : Mr.N.Inabanathan,
Govt. Advocate (Forest)

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition, challenging the Proceedings of the 4th respondent in No.Na.Ka.474/2016/E, dated 30.08.2016 and to set aside the same and also for a consequential direction, directing the respondents 1 to 4 to count half of service rendered by the petitioner from the date of joining in service as Plot Watcher from 01.09.1980 to 05.02.2014 along with regular service rendered by the petitioner as Mali from 06.02.2014 to 29.02.2016 and send the revised proposal to the 5th respondent to grant pension with all consequential pensionary benefits to the petitioner from the date of retirement and arrears with interest.

3. I have heard the learned counsel appearing for the petitioner 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 petition 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, the present writ petition is 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. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
F2 Forest and Environment Department
Fort St. George, Chennai-9.
 - 2.The Principal Chief Conservator of Forest,
Panagal Building,
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Interforce Forestry Division,
Dharmapuri District, Dharmapuri-5.
 - 5.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.
- +1 CC to Mr. P. Rajesh, Advocate Sr.No.53877

W.P.No.33153 of 2016

NMI (CO)
MD : 22/10/2016

सत्यमेव जयते

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