

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.33214 to 33223 of 2016

V.Vadivel	..Petitioner in W.P.No.33214/2016
V.T. Settu	..Petitioner in W.P.No.33215/2016
P. Murugan	..Petitioner in W.P.No.33216/2016
S.Isaac	..Petitioner in W.P.No.33217/2016
A. Kannappan	..Petitioner in W.P.No.33218/2016
N. Muthal	..Petitioner in W.P.No.33219/2016
D. Sampathu	..Petitioner in W.P.No.33220/2016
S. Pitchai Muthu	..Petitioner in W.P.No.33221/2016
C. Babu Pillai	..Petitioner in W.P.No.33222/2016
D. Vijayalakshmi	..Petitioner in W.P.No.33223/2016

vs.

The Government of Tamil Nadu,
rep. by its Secretary Forest
and Environment Department
Secretariat, Fort St. George,
Chennai-9.

The Principal Chief Conservator
of Forest,
Panagal Building,
Saidapet, Chennai-15. ..RR1 & 2 in all WPs.

The Assistant Conservator of Forest,
Forest Protection Squad,
Erode. ..R3 in WP.33214/16

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

The District Forest Officer,
Thirupathur, Vellore Dt. ..R3 in WP.33215/16

The District Forest Officer,
Thiruvannmalai North Division
at Polur ..R3 in WP.33216/16

The District Forest Officer,
Kaniyakumari, Nagerkoil.

..R3 in WP.33217/16

The Divisional Officer,
Social Forestry Division,
Chengalpattu.

..R3 in WP.33218/16, 33219/16

The District Forest Officer,
Ariyaloor.

..R3 in WP.33220/16,
33221/16, 33222/16

The District Forest Officer,
Thiruvannamalai South,
Thiruvannamalai District.

..R3 in WP.33223/16

Writ petition No.33214 of 2016: has been 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 service rendered by the petitioner as Plot Watcher on daily wage basis from 01.02.1982 till 16.08.2004 along with regular service rendered by him as Forest Watcher Post from 17.08.2004 and further promotion as Forest Guard from 23.12.2010 till the date of his retirement on 30.04.2012 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.33215 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.04.1984 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) and Forest Watcher from 7.08.2009 till the date of his retirement namely 29.02.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33216 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 13.11.1982 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.8.2009 till the date of his retirement namely 30.04.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33217 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.09.1985 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) and Forest Watcher from 7.08.2009 till the date of his retirement namely 29.02.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33218 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.04.1983 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.08.2009 till the date of his retirement namely 30.06.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33219 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.04.1982 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.08.2009 till the date of his retirement namely 31.08.2015 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33220 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 14.10.1984 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.08.2009 till the date of his retirement namely 31.03.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33221 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.09.1984 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.08.2009 till the date of his retirement namely 30.04.2016 as

qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33222 of 2016 has been filed under Article 226 of the constitution of India praying to issue 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 01.01.1981 till 6.08.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) from 7.08.2009 till the date of his retirement namely 30.06.2016 as qualifying service send the revised proposal to the 4th Respondent grant pension to the petitioner with all consequential monetary benefits;

W.P.No.33223 of 2016 has been filed under Article 226 of the constitution of India praying to issue a writ of Mandamus directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Forest Watcher on daily wage basis from 31.08.2004 till 13.11.2011 the date prior to his death on 14.11.2011 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 fourth respondent direct the fourth respondent to pay family pension to the petitioner consequential monetary benefits;

For Petitioner : Mr.S.Mani
all WPs

For Respondents : Mr.N.Inabanathan,
all WPs Govt. Advocate (Forest)

COMMON ORDER

The petitioners have come up with the above writ petitions seeking a Mandamus to direct the respondents to count half of the service rendered by them prior to their regularisation for the purpose of grant of pensionary benefits.

2. Heard Mr.S.Mani, learned Counsel for the petitioners as well as Mr.N.Inabanathan, learned Government Advocate (Forest) appearing for the respondents 1 to 3 in all the writ petitions.

3. It is admitted on both sides that the issue raised in these writ petitions is covered by the decision of this Court made in W.P.No.8205 of 2011, dated 19.04.2011 and W.P.No.13832 of 2011 dated 29.06.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a Common Judgment dated 13.02.2012. The Special Leave Petitions filed by the State against these judgments in SLP (Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.05.2012.

4. Therefore, 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department
Fort St. George, Chennai-9.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai-15.
- 3.The Assistant Conservator of Forest,
Forest Protection Squad,
Erode.
- 4.The Accountant General of Tamil Nadu,
Office of DMS Compound,
Teynampet, Chennai-18.
- 5.The District Forest Officer,
Thirupathur, Vellore Dt.
6. The District Forest Officer,
Thiruvannmalai North Division
at Polur
7. The District Forest Officer,
Kaniyakumari, Nagerkoil.
8. The Divisional Officer,
Social Forestry Division,
Chengalpattu.
- 9.The District Forest Officer,
Ariyaloor.

10. The District Forest Officer,
Thiruvannamalai South,
Thiruvnnamalai District.

+ 10 ccs to MR.S. Mani, Advocate SR.53846

W.P.Nos.33214 to 33223/2016

RV(CO)
Eu 2.11.16



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