

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.33224 to 33233 of 2016

- | | |
|------------------|---------------------------------|
| 1.P.Thirugnanam | ...Petitioner in W.P.33224/2016 |
| 2.T.P.Ratinam | ...Petitioner in W.P.33225/2016 |
| 3.C.Adaikalm | ...Petitioner in W.P.33226/2016 |
| 4.N.Pitchaimuthu | ...Petitioner in W.P.33227/2016 |
| 5.K.Kuppayee | ...Petitioner in W.P.33228/2016 |
| 6.S.Kandasamy | ...Petitioner in W.P.33229/2016 |
| 7.V.Ranganathan | ...Petitioner in W.P.33230/2016 |
| 8.D.Subbarayan | ...Petitioner in W.P.33231/2016 |
| 9.C.Kanniayan | ...Petitioner in W.P.33232/2016 |
| 10.S.Girija | ...Petitioner in W.P.33233/2016 |

VS

- | | |
|---|---|
| 1.The Government Of TamilNadu,
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. | ...Respondents 1 and 2 in all WPs |
| 3.The District Forest Officer,
Perambalur | ...3rd Respondent in W.P.No.33224/2016 |
| 4.The District Forest Officer,
Thirupathur. | ...3rd Respondents in W.P.No.33225/2016 |
| 5.The District Forest Officer,
Pudukottai. | ...3rd Respondent in W.P.No.33226/2016 |
| 6.The District Forest Officer,
Tiruhirapalli District. | ...3rd Respondent in W.P.No.33227/2016 |
| 7.The District Forest Officer,
Dindigul District. | ...3rd Respondent in W.P.No.33228/2016 |
| 8.The District Forest Officer,
Namakkal District. | ...3rd Respondent in W.P.No.33229/2016 |

- 9.The District Forest Officer,
Harur,
Dharmapuri District. ...3rd Respondent in W.P.No.33230/2016
- 10.The Assistant Conservator of Forests,
Forest Protection Squad,
Erode District. ...3rd Respondent in W.P.No.33231/2016
- 11.The District Forest Officer,
Vellore District. ...3rd Respondent in W.P.No.33232/2016
- 12.The Forest Extension Officer,
Forest Extension Centre and Division,
Coimbatore. ...3rd Respondent in W.P.No.33233/2016
- 13.The Accountant General of TamilNadu,
Office at DMS Compound, Teynampet,
Chennai-600 018. ...4th Respondent in all WPs.

Writ Petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus

(i) W.P.No.33224/2016:

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 04.08.2004 along with regular service rendered by him as Forest Watcher and Forest Guard from 05.08.2004 till the date of his retirement on 31.05.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

(ii)W.P.No.33225/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1982 till 23.08.2004 along with regular service rendered by him as Forest Watcher and Forest Guard from 24.08.2004 till the date of his retirement namely 29.02.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(iii)W.P.No.33226/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.03.1979 till 02.04.2003 along with regular service rendered by him as Forest Watcher and Forest Guard from

03.04.2003 till the date of his retirement namely 28.02.2014 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(iv)W.P.No.33227/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1984 till 23.01.1995 along with regular service rendered by him as Forest Watcher from 24.01.1995 till the date of his retirement namely 31.05.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(V)W.P.No.33228 of 2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner husband as Plot Watcher from 01.07.1981 to 18.12.2003 on daily wage basis along with his regular service as Forest Watcher from 19.12.2003 till 02.07.2010 the date prior to his death on 03.07.2010 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 with all consequential benefits within a specified period.

(vi)W.P.No.33229/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.08.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 07.08.2009 till the date of his retirement namely 30.06.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

Vii)W.P.No.33230/2016:

Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Mali on daily wage basis from 01.11.1979 till 05.01.2007 along with the regular service rendered by him as Mali and Forest Guard from 06.01.2007 till the date of his retirement namely 30.04.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(viii) W.P.No.33231/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and forest Watcher from 07.08.2009 till the date of his retirement namely 30.04.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(ix) W.P.No.33232/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.08.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 07.08.2009 till the date of his retirement namely 30.05.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

(x) W.P.No.33233/2016:

directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.11.1982 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 07.08.2009 till the date of her retirement namely 30.04.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits respectively

For Petitioner : Mr.S.Mani
in all WPs

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

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 III)

//True Copy//

Sub Assistant Registrar

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 District Forest Officer,
Perambalur
- 4.The District Forest Officer,
Thirupathur.
- 5.The District Forest Officer,
Pudukottai.
- 6.The District Forest Officer,
Tiruhirapalli District.
- 7.The District Forest Officer,
Dindigul District.
- 8.The District Forest Officer,
Namakkal District.

9.The District Forest Officer,
Harur,
Dharmapuri District.

10.The Assistant Conservator of Forests,
Forest Protection Squad,
Erode District.

11.The District Forest Officer,
Vellore District.

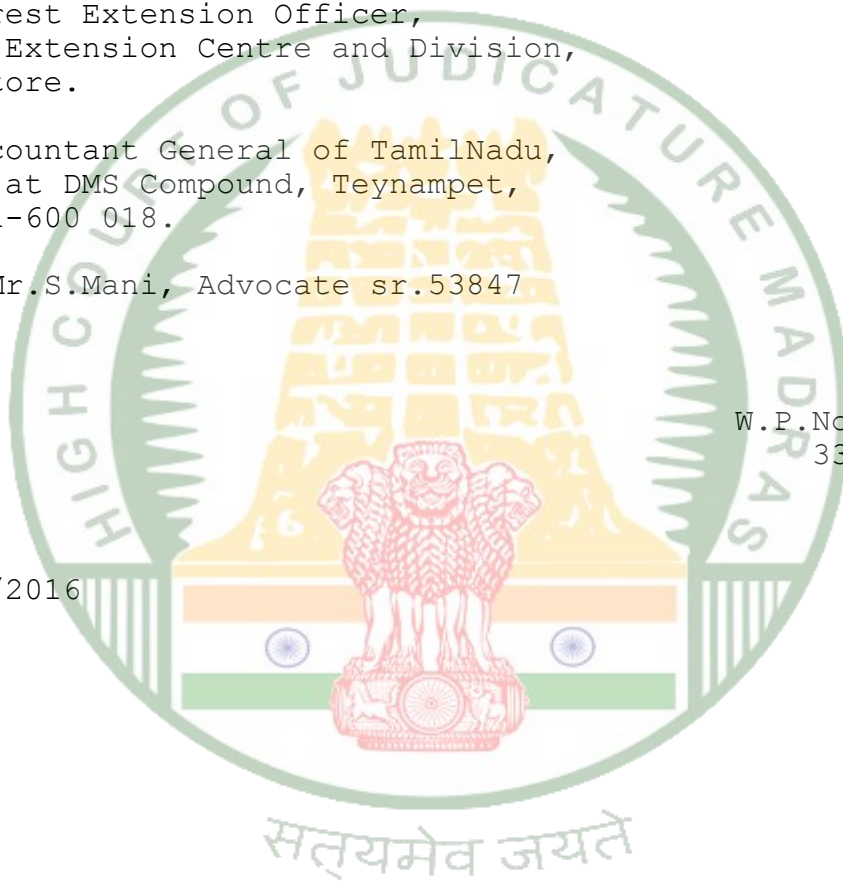
12.The Forest Extension Officer,
Forest Extension Centre and Division,
Coimbatore.

13.The Accountant General of TamilNadu,
Office at DMS Compound, Teynampet,
Chennai-600 018.

+10cc to Mr.S.Mani, Advocate sr.53847

W.P.Nos.33224 to
33233 of 2016

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srg 25/10/2016



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