

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34034 to 34036 and
34038 to 34041 and 34043 of 2016

R.Ramaraj	... Petitioner in W.P.No.34034 of 2016
P.Periyapaiyan	... Petitioner in W.P.No.34035 of 2016
P.Sundaramoorthy	... Petitioner in W.P.No.34036 of 2016
V.Kirupakaran	... Petitioner in W.P.No.34038 of 2016
C.Dharmalingam	... Petitioner in W.P.No.34039 of 2016
W.Walter	... Petitioner in W.P.No.34040 of 2016
C.Elumalai	... Petitioner in W.P.No.34041 of 2016
P.Mani	... Petitioner in W.P.No.34043 of 2016

vs.

1. The Government of Tamil Nadu
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. (RR1 & 2 in all WPs)
3. The District Forest Officer
Erode. (R3 in WPs 34034, 34035)
4. The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet, Chennai 600 018. (R4 in all WPs)
5. The District Forest Officer,
Thiruvannamalai North Division,
Polur. ...R3 in W.P.No.34036,
34037 & 34043/2016
6. The District Forest Officer,
Attur, Salem. ...R3 in W.P.No.34038/2016

7. The District Forest Officer,
Kodaikkanal,
Dindigul District. ...R3 in W.P.No.34039 of 2016
8. The District Forest Officer,
Nilgiris. ...R3 in W.P.No.34040 of 2016
9. The District Forest Officer,
Cuddalore. ...R3 in W.P.No.34041 of 2016
10. The District Forest Officer,
Coimbatore. ...R3 in W.P.No.34042 of 2016

Writ petition No.34034 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 the service rendered by the petitioner as Plot Watcher on daily wage basis from 18.01.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (supernumerary post) 07.08.2009 and Forest Watcher till the date of his retirement namely, 31.05.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.34035 of 2016:

A Writ, direction or Order in the nature of 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 1.10.1980 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumery Post) and Mali from 7.8.2009 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 and pass further suitable orders and thus render justice.

W.P.No.34036 of 2016:

A Writ, direction or Order in the nature of 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 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumery Post) Forest Watcher and Forest Guard from 07.08.2009 till the date of his retirement namely 31.03.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

W.P.No.34038 of 2016:

A Writ, direction or Order in the nature of 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 07.12.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) 07.08.2009 and Forest Watcher from till the date of his retirement namely 31.12.2015 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

W.P.No.34039 of 2015:

A Writ, direction or Order in the nature of 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 16.11.1984 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 7.8.2009 till the date of his retirement namely 30.4.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the Petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

W.P.No.34040 of 2016:

A Writ, direction or Order in the nature of 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 01.01.1983 till 23.01.1995 along with the regular service rendered by him as Plot Watcher from 24.01.1995 till the date of his retirement namely 31.08.2014 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

W.P No.34041 of 2016:

A Writ, direction or Order in the nature of 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 18.11.1983 till 6.8.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) 7.8.2009 and Forest Watcher from till the date of his retirement namely 31.01.2016 as qualifying service send the revised

proposal to the fourth respondent grant pension to the Petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

W.P.No.34043 of 2015:

A Writ, direction or Order in the nature of 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 20.11.1982 till 26.12.2006 along with the regular service rendered by him as Forest Watcher and Forest Guard from 27.12.2006 till the date of his retirement namely 31.5.2016 as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits and pass further suitable orders and thus render justice.

For Petitioners: Mr.S.Mani
in all W.Ps.

For Respondents: Mr.N.Inbanathan
Government Advocate (Forests)
in all W.Ps.

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/ Forest Watcher / 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/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Environment and Forest Department
Secretariat
Chennai 600 009.
2. The Principal Chief Conservator of
Forest, Having office at Panagal
Maaligai, Saidapet, Chennai 600 015.
3. The District Forest Officer
Erode.
4. The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet, Chennai 600 018.
5. The District Forest Officer,
Thiruvannamalai North Division,
Polur.
6. The District Forest Officer,
Attur, Salem.
7. The District Forest Officer,
Kodaikkanal,
Dindigul District.
8. The District Forest Officer,
Nilgiris.

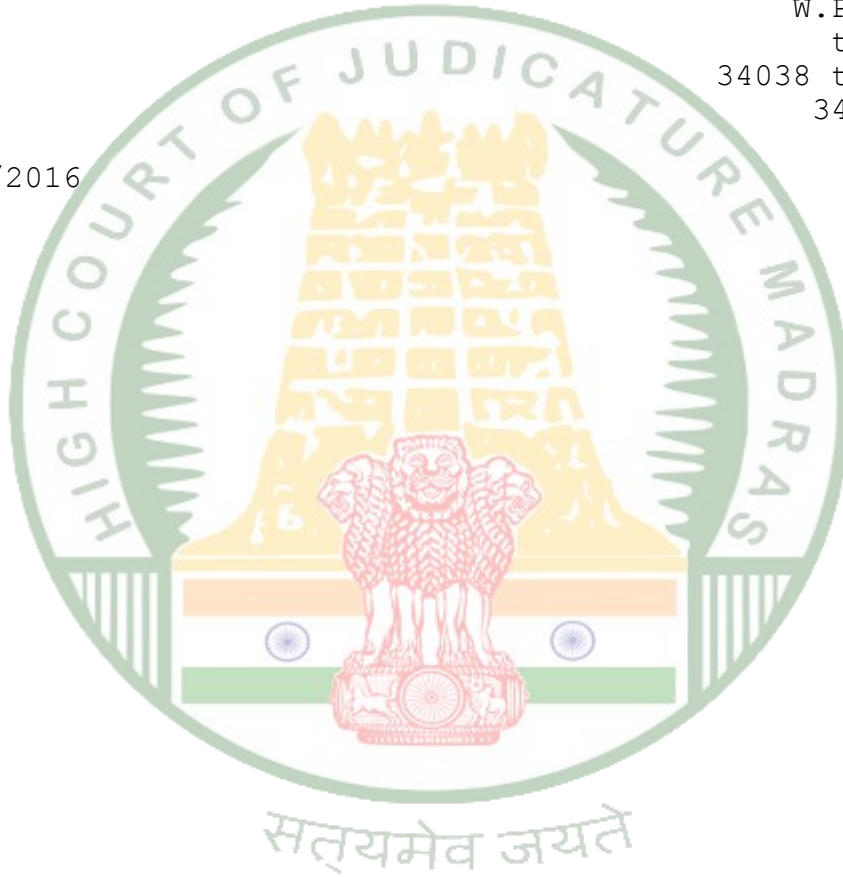
9. The District Forest Officer,
Cuddalore.

10. The District Forest Officer,
Coimbatore.

+10 cc to Mr.S.Mani, Advocate Sr.55356
+1cc to the Special Government Pleader Sr.55242

W.P.Nos.34034
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rv[co]
srg 09/11/2016



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