

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34054 and 34057 of 2016

M.Maheswari

... Petitioner in
WP.No.34054/2016

P.Radha

... Petitioner in
WP.No.34057/2016

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Forest and Environment Department,
Secretariat, Chennai-9.
- 2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-15. ... R.1 and R.2 in
both the WPs.
- 3.The District Forest Officer,
Vellore. ... R3 in W.P.34054/16
- 3.The Divisional Forest Officer,
Social Forestry Division, ... R3 in W.P.34057/16
Vellore.
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18. ... R.4 in
both the writ petitions

WP.No.34054 of 2016: Writ petition 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's husband as Plot Watcher from 1.1.1981 to 06.08.2009 on daily wage basis along with his regular service as Plot Watcher (Supernumerary Post) and Forest Watcher from 07.08.2009 till 7.4.2015 the date prior to his death on 7.4.2015 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 and to direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

WP.No. 34057 of 2016: Writ petition 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's husband from 31.12.1982 till 06.08.2009 on daily wage basis along with his regular service from 7.08.2009 till the date of his retirement on 31.03.2013 so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposals to the fourth respondent and to direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

For Petitioner : Mr.S.Mani,
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.34054 of 2016 has been filed for a mandamus directing the respondents 1 to 3 to count half of the service rendered by the Petitioner's husband as Plot Watcher from 1.1.1981 to 6.8.2009 on daily wage basis along with his regular service as Plot Watcher (Supernumerary Post) and Forest Watcher from 7.8.2009 till 7.4.2015 the date prior to his death on 7.4.2015 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 and to direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

3. The writ petition in W.P.No.34057 of 2016 has been filed for a mandamus directing the respondents 1 to 3 to count half of the service rendered by the Petitioner's husband from

31.12.1982 till 6.8.2009 on daily wage basis along with his regular service from 7.8.2009 till the date of his retirement on 31.3.2013 so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposals to the fourth respondent and to direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

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, both the writ petitions are allowed on the same lines as the above writ petitions were allowed. The respondents 1 to 3 are directed to count half of the service rendered by one M.Pitchandi, the husband of the petitioner in W.P.No.34054 of 2016 from 1.1.1981 till 6.8.2009 on daily wage basis along with his regular service from 7.8.2009 till 7.4.2015, the date prior to his death on 7.4.2015 and one Panneerselvam, the husband of the petitioner in W.P.No.34057 of 2016 from 31.12.1982 till 6.8.2009 on daily wage basis along with his regular service from 7.8.2009 till the date of his retirement on 31.03.2013 and send proposal to the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth 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 Secretary,
The Government of Tamil Nadu,
Forest and Environment Department,
Secretariat, Chennai-9.

2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maligai,
Saidapet, Chennai-15.

3.The District Forest Officer,
Social Forestry Division,
Vellore.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18.

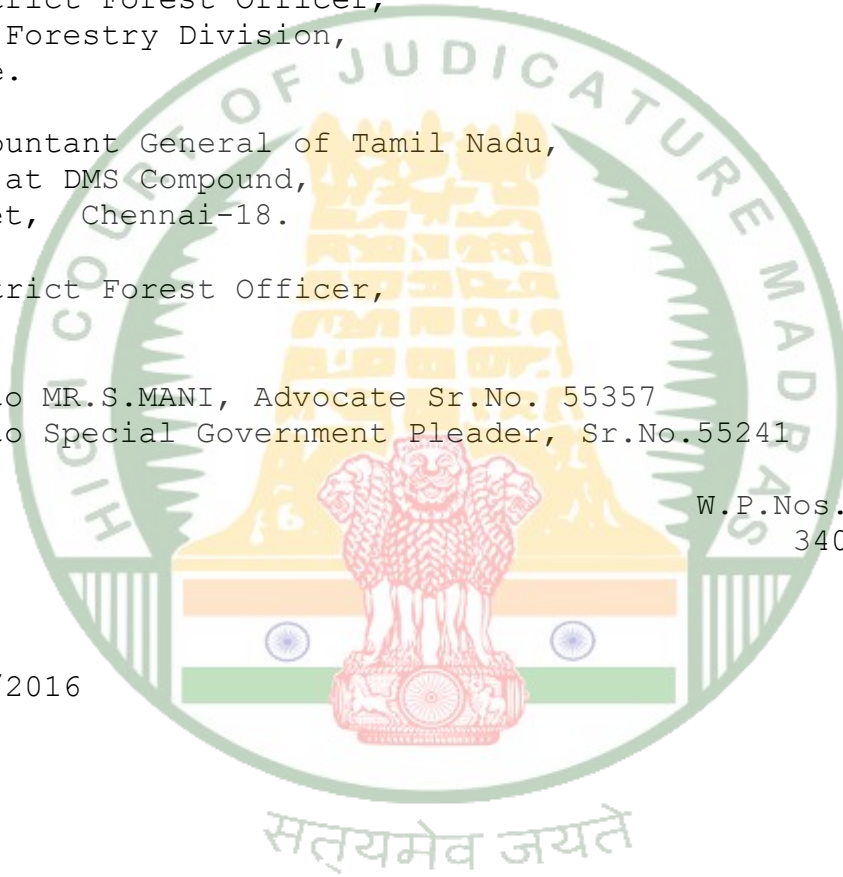
5 The District Forest Officer,
Vellore.

- 2 c.c. to MR.S.MANI, Advocate Sr.No. 55357
- 1 c.c. to Special Government Pleader, Sr.No.55241

W.P.Nos. 34054 and
34057 of 2016

SR (CO)

RRI 12/11/2016



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