

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

Writ Petition Nos.34747 to 34751 of 2016

K.Manickam ... Petitioner in W.P.34747/16
P.Chandrasekaran ... Petitioner in W.P.34748/16
V.Ganesan ... Petitioner in W.P.34749/16
B.Saroja ... Petitioner in W.P.34750/16
K.P.Duraisamy ... Petitioner in W.P.34751/16

Vs.

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

The Principal Chief Conservation of Forest,
having office at Panagal Building,
Saidapet, Chennai-15.

... Respondents 1&2 in all WPs

The District Forest Officer,
Namakkal.

... 3rd respondent in W.Ps.
34747, 34750 & 34751/16

The District Forest Officer,
Dindigul.

... 3rd respondent

in WP.34748/16

The District Forest Officer,
Ramanathapuram.

... 3rd respondent

in WP.34749/16

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

... 4th Respondent all W.Ps.

Prayer in WP.34747 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 16.09.1981 till 06.08.2009 along with the regular service rendered by him as Plot Watcher [Supernumerary Post and Night Watchman] from 07.08.2009 to till the date of his retirement namely 31.07.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer in W.P.No.34748 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.06.1981 till 11.11.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 12.11.2003 to till the date of his retirement namely 28.02.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.34749 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 17.05.1985 till 06.08.2009 along with the regular service rendered by him as Plot Watcher [Supernumerary Post] from 07.08.2009 to till the date of his retirement namely 25.02.2014 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer in W.P.No.34750 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 19.01.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher [Supernumerary Post] and Forest Watcher from 07.08.2009 to till the date of her retirement namely 30.09.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer in W.P.No.34751 of 2016 : Writ petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 10.06.1984 till 06.08.2009 along with the regular service

rendered by him as Plot Watcher [Supernumerary Post] and Forest Watcher from 07.08.2009 to 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.

For Petitioner : Mr.S.Mani
in all Wps

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

ORDER

By consent, the main writ petitions itself was taken up for final disposal.

2. 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.

3. Heard Mr.S.Mani, learned counsel appearing for the petitioners and Mr.N.Inabanathan, learned Government Advocate (Forest), appearing for the respondents.

4. 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 19.4.2011 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 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.

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Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mrp

To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai-9.
 - 2.The Principal Chief Conservation of Forest,
having office at Panagal Building,
Saidapet, Chennai-15.
 - 3.The District Forest Officer,
Namakkal.
 - 4.The District Forest Officer,
Dindigul.
 - 5.The District Forest Officer,
Ramanathapuram.
 - 6.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18.
- 1 cc to Mr.S.Mani, Advocate, Sr. 56645
1 cc to Government Pleader, Sr. 56527

W.P.Nos.34747
to 34751 of 2016

SSK (CO)
kk 7/11

सत्यमेव जयते

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