

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-01-2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.3487 to 3491 of 2016

W.P.No.3487 of 2016

M.Elumalai

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Petitioner

-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.
3. The District Forest Officer,
Vellore.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 2.1.1982 till 28.12.2006 along with the regular service rendered by him as Forest Watcher and Forest Guard from 29.12.2006 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.

W.P.No.3488 of 2016

M.Maharajan

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Petitioner

-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.
3. The District Forest Officer,
Conservator of Forest,
Megamalai Wild Life Division,
Theni.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.12.1981 till 26.07.2004 along with the regular service rendered by him as Forest Watcher and Forest Guard from 27.07.2004 till the date of his retirement namely 31.03.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.3489 of 2016

G.Rajendran

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Petitioner

-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.

3. The District Forest Officer,
Wild Life Warden,
Chennai - 22.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct 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 Forest Watcher and Forest Guard from 07.08.2009 till the date of his retirement namely 30.11.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.3490 of 2016

S.Thulukkanam

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Petitioner

-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.
3. The Additional Chief Conservator
of Forests cum Director,
Tamil Nadu Forest Training College,
Coimbatore.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1979

till 25.11.2007 along with the regular service rendered by him as Mali from 26.11.2007 till the date of his retirement namely 31.05.2012 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.3491 of 2016

V.Sivalingam

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Petitioner

-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.
3. The Divisional Forest Officer,
Kodaikkanal.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai-600 018.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 20.12.1983 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 31.12.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

In all the Writ Petitions:

For Petitioners : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
1 to 3

Government Advocate (Forest)

For 4th Respondent : Mr.V.Vijay Shankar

COMMON ORDER

Since all these Writ Petitions arise out of a common question of law, all of them are being disposed of in common.

2. When the writ petitions are taken up for hearing, the learned counsel for the petitioners as well as the learned counsel for the respondents would submit, that the issue involved in all these Writ Petitions is squarely covered by an order of this Court, passed in a batch of cases in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, wherein this Court has held in paragraphs 4,5 and 6, as follows :

"4. At the outset, the learned counsel appearing for the petitioners has submitted that the issue involved in these Writ Petitions is no longer res integra, as a similarly placed person filed W.P.No.8205 of 2011, seeking to count half of the service rendered by him on daily wages basis along with regular service for conferment of pension. The said Writ Petition was allowed by this Court, by order dated 19.04.2011, which was also confirmed by the Hon'ble Division Bench of this Court, by judgment dated 13.02.2012, passed in W.A.Nos.27 & 28 of 2012, and the same was also affirmed by the Hon'ble Supreme Court, by order dated 10.05.2012, passed in Special Leave Petitions, viz., in SLP (C) Nos.14838 to 14839 of 2012 and 16119 to 16120 of 2012, and the Revision Petition (C) No.1418 of 2013, filed against the said order, dated 10.05.2012, was also dismissed by the Hon'ble Supreme Court, by order, dated 30.07.2013, and the order was also implemented by the Government, by issuing G.O.Ms.No.183, Environment and Forest Department, dated 18.07.2012. Therefore, the learned counsel prayed for allowing the Writ Petitions.

5. The learned Government Advocate appearing for the respondents 1 to 3 has fairly conceded that the issue involved in these Writ Petitions is covered by the order, dated 19.04.2011, made in W.P.No.8205 of 2011, relied upon by the learned counsel appearing for the petitioners.

6. Thus, in the light of the order, dated 19.04.2011, passed in W.P.No.8205 of 2011, the present Writ Petitions are also allowed on the same lines, viz., directing the respondents 1 to 3 to count half of the service rendered by the petitioners as Social Forest Worker/Plot Watcher on daily wage basis along with regular service rendered by them till their date of retirement, as qualifying service and send a revised proposal to the Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. The Accountant General is directed to consider the same and pass orders within a period of six weeks thereafter. No costs."

3. Following the order passed by this Court in W.P.Nos.22540 to 22553 of 2014, dated 21.08.2014, as above, these Writ Petitions are also allowed on the same lines, directing the respondents 1 to 3 to count half of the service rendered by the petitioners as Plot Watcher on daily wage basis along with regular service rendered by them till their date of retirement, as qualifying service and send a revised proposal to the Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. The Accountant General is directed to consider the same and pass orders within a period of six weeks thereafter. No costs.

4. The learned Government Pleader (Forest) is entitled to individual legal fee, in all the cases
cla

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
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,
Vellore.

4.The District Forest Officer,
Conservator of Forest,
Megamalai Wild Life Division,
Theni.

5.The District Forest Officer,
Wild Life Warden,
Chennai - 22.

6.The Additional Chief Conservator
of Forests cum Director,
Tamil Nadu Forest Training College,
Coimbatore.

7.The Divisional Forest Officer,
Kodaikkanal.

8.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-600 018.

+ 1 cc to Mr.V.Vijayashankar, Advocate, SR 6164

+ 1 cc to Spl.Govt Pleader(Forest) High Court, Madras SR 5921

+ 5 ccs to Mr.S.Mani, Advocate SR 5792

(co)

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W.P.Nos.3487 to 3491 of 2016

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