

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

Writ Petition Nos.34929 and 34930 of 2016

A.Abinesan ... Petitioner in WP.34929/2016

R.Panchavarnam ... Petitioner in WP.34930/2016

Vs

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

The Principal Chief Conservation of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai-15. Respondents 1&2 in both WPs

The District Forest Officer,
Thirupathur. 3rd respondent in W.P.34929/16

The District Forest Officer,
Vellore. 3rd Respondent in W.P.34930/16

The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18. 4th Respondent in both WPs

W.P.No.34929 of 2016 : Writ Petition 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 1.2.1982 till 6.8.2009 along with the regular service rendered by him as Plot Watcher [Supernumerary Post] from 7.8.2009 till the date of his retirement namely 31.7.2016 as

qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

W.P.No.34930 of 2016 : Writ Petition 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 1.9.1984 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 26.6.2016 the date prior to his death on 26.6.2016, 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 4th respondent, direct the 4th respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

For Petitioner : Mr.S.Mani
in both WPs

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

COMMON ORDER

By consent, the main writ petitions itself are 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.

sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

mrp

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department
Secretariat, Chennai-9.

2.The Principal Chief Conservation of Forest,
Having office at Panagal Maaligai,
Saidapet, Chennai-15.

3.The District Forest Officer,
Thirupathur.

4.The District Forest Officer,
Vellore.

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

+2 C.C to Mrs. S. Mani, Advocate, SR.No.56647

+1 C.C. To Spl.Govt. Pleader, SR.No.56529

W.P.Nos.34929

& 34930 of 2016

SCD(CO)
SSM/22/10/2016

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