

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38177 of 2016

M.Pachaiyammal

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary,
Forest and Environment 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,
Chengalpattu.
- 4 The Accountant General of Tamil Nadu,
361, Anna Salai,
Teynampet, Chennai – 600 018.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue 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 21.07.1983 to 06.08.2009 on daily wage basis along with his regular service as Plot Watcher (Supernumerary Post) from 07.08.2009 till 10.10.2015, the date prior to his death on 10.10.2015,

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, direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

For Petitioners : Mr.S.Mani
For Respondents : Mr.N.Inbanathan
Government Advocate (Forests)

ORDER

The petitioner has come up with the above writ petition, seeking a Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner's husband as Plot Watcher from 21.07.1983 to 06.08.2009 on daily wage basis along with his regular service as Plot Watcher (Supernumerary Post) from 07.08.2009 till 10.10.2015, the date prior to his death on 10.10.2015, 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, direct the fourth respondent to pay family pension to the petitioner with all consequential benefits within a specified period.

2.Heard Mr.S.Mani, learned counsel for the petitioner as well as Mr.N.Inbanathan, learned Government Advocate (Forests) appearing for the respondents.

3. It is admitted on both sides that the issue raised in the writ petition is covered by the decision of this Court made in W.P.No.8205 of 2011, dated 19.04.2011 and W.P.No.13832 of 2011, dated 29.06.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common Judgment, dated 13.02.2012. 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 10.05.2012.

4. Therefore, the writ petition is allowed on the same lines as the above writ petitions were allowed. The order shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

03.11.2016

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Index: Yes/ No

Internet: Yes/No

R.SUBBIAH,J.

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To

- 1 The Government of Tamil Nadu
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Secretariat, Chennai – 600 009.
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