

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40473 and 40474 of 2016

C.Murugesan ... Petitioner in W.P.40473/2016

S.Annasamy ... Petitioner in W.P.40474/2016

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Environment & Forest Department,
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservation of
Forest,
having office at Panagal Building,
Saidapet, Chennai - 600 015.
- 3.The District Forest Officer,
Thiruvannamalai North Division,
at Polur.
- 4.The Accountant General of Tamil Nadu,
Office at DMS compound,
Teynampet, Chennai - 600 018. ... Respondents in both
W.Ps

Prayer in W.P.40473 of 2016 : Writ petition has been 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 01.06.1982 till 10.09.2004 along with the regular service rendered by him as Forest Watcher and Forest Guard from 11.09.2004 till date of his retirement namely 30.06.2015 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.40474 of 2016 : Writ petition has been 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 01.04.1980 till 06.08.2009 along with regular service rendered by him as Plot Watcher (Supernumerary post) and Forest Watcher from 07.08.2009 till the date of his retirement namely 31.10.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioner in both W.Ps : Ms.S.Mani

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

ORDER

By consent, these main writ petitions itself are taken up for final disposal.

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents to count half of the service rendered by them prior to their regularization for the purpose of grant of pensionary benefits.

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

4. It is admitted on both sides that the issue raised in these writ petition 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 29.06.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common Judgment, dated 13.2.2012. 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(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Secretary to Govt.,
Environment & Forest Department,
Fort St. George,
Chennai - 600 009.

2.The Principal Chief Conservation of
Forest,
having office at Panagal Building,
Saidapet, Chennai - 600 015.

3.The District Forest Officer,
Thiruvannamalai North Division,
at Polur.

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

+2cc to M/s. S.Mani, Advocate, S.R.No.66898

W.P.No.40473 & 40474
of 2016

ALA(CO)
MA(29/12/2016)



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