

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40684 and 40685 of 2016

R.Chockkalingam

... Petitioner in
W.P.No.40684/2016

P.Ramakkal

... Petitioner in
W.P.No.40685/2016

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
Coimbatore.

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

... Respondents in
W.P.No.40684/2016

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
Thirupathur Vellore.

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

... Respondents in
W.P.No.40685/2016

Writ petition No.40684 of 2016 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 01.07.1982 till 05.10.2006 along with the regular service rendered by him as Forest Watcher and Forest Guard from 06.10.2006 to till the date of his retirement namely 31.03.2016 as qualifying service send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits.

Writ petition No.40685 of 2016 has been 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 husband as Plot Watcher from 19.09.1973 to 6.8.2009 on daily wage basis along with his regular service as Plot Watcher (Supernumerary Post) From 07.08.2009 to 31.03.2015 the date prior to his death on 01.4.2015 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 Petitioner : Mr.S.Mani,
in both the writ petitions.

For Respondents : Mr.N.Inabanathan,
Govt. Advocate (Forest),
in both the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents 1 to 3 to count half of service rendered by the petitioner in W.P.No.40684 of 2016 and the half of the service rendered by the husband of the petitioner in W.P.No.40685 of 2016 prior to their regularization for the purpose of grant of pensionary benefits.

3. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

4. It is admitted on both sides that the issue raised in the present 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 29.6.2011. 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, both the present 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

sbi

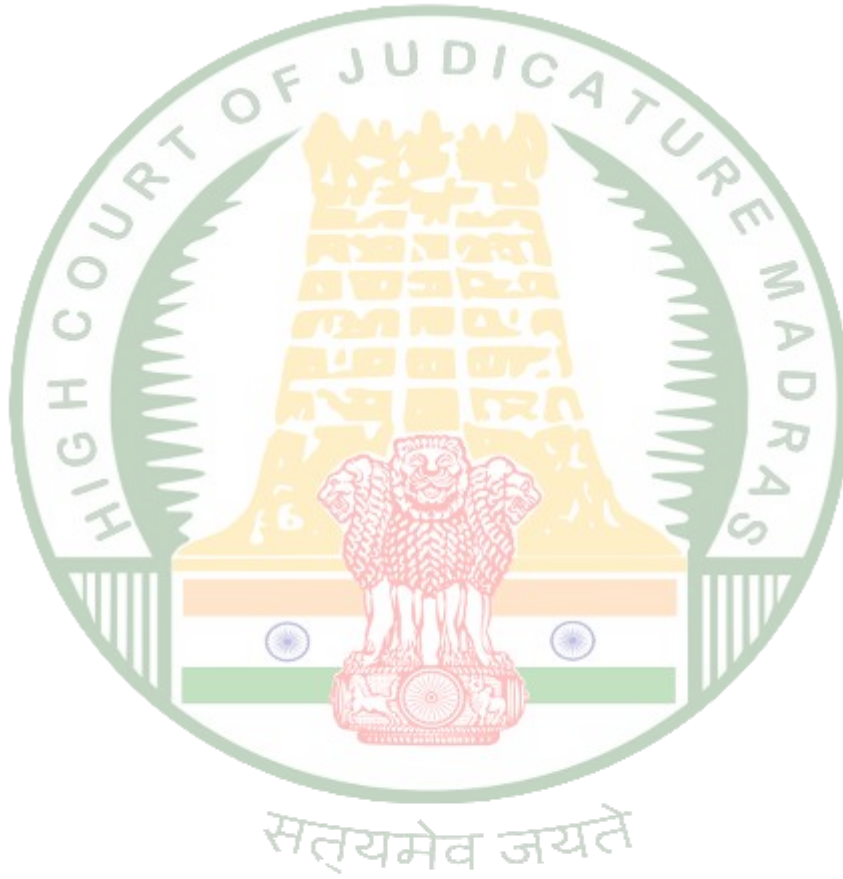
To

1. The Secretary to Government,
State 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-600 015
- 3 The District Forest Officer
Coimbatore.
- 4 The Accountant General of
Tamil Nadu Office at DMS Compound
Teynampet Chennai-600 018.
- 5 The District Forest Officer
Thirupathur Vellore.

+2 cc to M/S S.MANI Advocate SR.NO. 67238/2016
+1 cc to M/S. Government pleader SR.NO. 67223/2016
+1 cc to M/S Special Government Pleader SR.NO. 67548/2016.

W.P.Nos.40684 and
40685 of 2016

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RD 26/12/2016



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