

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42319 of 2016

M.Selvaraj

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.
- 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Panagal Building,
Saidapet, Chennai-15.
- 3.The District Forest Officer,
Cuddalore Forestry Division,
Cuddalore.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.03.1982 to 23.01.1995 on temporary basis along with the regular service from 24.01.1995 till the date of retirement on 31.03.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the 4th respondent for conferring the same under old pension scheme with all consequential benefits within time frame.

For Petitioner : Mr.K.Jenitha

For respondents : Mr.N.Inbanathan, GA (F)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.03.1982 to 23.01.1995 on temporary basis along with the regular service from 24.01.1995 till the date of retirement on 31.03.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the 4th respondent for conferring the same under old pension scheme with all consequential benefits within time frame.

2.Heard Ms.K.Jenitha, learned counsel for the petitioners as well as Mr.N.Inbanathan, learned Government Advocate (Forest) appearing for the respondents 1 to 3 in all the writ petitions.

3.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 19.04.2011 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 & 28 of 2012 by a common Judgment dated 13.02.2012. The Special Leave Petitions filed by the State against these judgments in SLP (Civil) Nos.14838 & 14839 of 2012, were also dismissed on 10.05.2012.

4.In view of the above, the present writ petition is also liable to be allowed and accordingly the same is 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//

ssv

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu
Environment and Forest Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Panagal Building,
Saidapet, Chennai-15.

3.The District Forest Officer,
Cuddalore Forestry Division,
Cuddalore.

4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.

+1cc to Mr.Jenitha, Advocate, S.R.No.71154

+1cc to the Government Pleader, S.R.No.70995

pk(CO)

rs(09/01/2017)

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सत्यमेव जयते

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