

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.42321 and 42322 of 2016

W.P.No.42321 of 2016:

K.Paramasivam

... Petitioner

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

W.P.No.42322 of 2016:

M.Eattu

... Petitioner

vs.

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- 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
Cum Deputy Director Sathiyamangalam Tiger
Reserve Forest Asanoor Division Erode
Circle.

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

... Respondents

WP.No.42321 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 01.06.1980 till 25.08.2009 along with the regular service rendered by him as Forest Watcher from 26.08.2009 till the date of his retirement namely 31.01.2015 as qualifying service send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits.

WP.No.42322 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 01.03.1982 till 06.08.2009 along with the regular service rendered by him as Forest Watcher from 07.08.2009 till the date of his retirement namely 31.05.2016 as qualifying service send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Mani
in both the writ petitions.

For Respondents : Mr.N.Inbanathan,
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 writ petition in W.P.No.42321 of 2016 has been filed for a mandamus, directing the respondents to count half of the service rendered by him as Plot Watcher on daily wage basis from 1.6.1980 till 25.8.2009 along with the regular service rendered by him as Forest Watcher from 26.8.2009 till the date of his retirement namely 31.1.2015 as qualifying service, send the revised proposal to

the fourth respondent and grant pension to him with all consequential monetary benefits.

3. The writ petition in W.P.No.43222 of 2016 has been filed for a mandamus, directing the respondents to count half of the service rendered by him as Plot Watcher on daily wage basis from 1.3.1982 till 6.8.2009 along with the regular service rendered by him as Forest Watcher from 7.8.2009 till the date of his retirement namely 31.5.2016 as qualifying service, send the revised proposal to the fourth respondent and grant pension to him with all consequential monetary benefits.

4. 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.

5. It is admitted on both sides that the issue raised in the present 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.

6. Therefore, both 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

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Sub-Assistant Registrar

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To

- 1 The 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
Tirunelveli.

- 4 The Accountant General of
Tamil Nadu Office at DMS Compound
Teynampet Chennai 600 018.
- 5 The District Forest Officer
Cum Deputy Director Sathiyamangalam Tiger
Reserve Forest Asanoor Division Erode Circle.

+1 cc to The Special Government Pleader SR.NO. 70994

+2 cc to M/S.S.MANI Advocate SR.NO. 71355

W.P.Nos. 42321 and
42322 of 2016

rj[co]
RD 03/01/2017



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