



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.6569, 15424 of 2014 and 959. 18575 and
22024 of 2015
and
M.P(MD)No.1 of 2014

W.P(MD)No.6569 of 2014

S.Govindasmay

... Petitioner

Vs.

1.The Govt. of Tamil Nadu,
Represented by its Principal Secretary to Govt.
Forest & Environment Department,
St. George Fort, Chennai - 9.

2.The Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai.

3.The District Forest Officer,
Kanyakumari Division, Vadaseri, Nagercoil,
Kanyakumari District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent Nos.1 to 3 to count 50% of the service rendered by the petitioner from 01.07.1981 to 15.10.2003 as plot watcher on temporary basis along with the petitioner's regular service rendered from 21.10.2003 to 28.02.2011, send pension proposal to the fourth respondent under the Tamil Nadu Pension Rules, 1978 with all consequential benefits.

For Petitioner	: Mr.George Paul Anto
For R-1	: Mr.M.Murugan,
	Government Advocate
For R-4	: Mr.P.Gunaskeran

W.P(MD)NO.15424 of 2014:

D.Rajarithinam

... Petitioner

..VS..

1.The Government of Tamil Nadu,
represented by Secretary to Government,
Finance(Pension) Department,
Fort St. George, Chennai-9.



2.The Secretary,
Government of Tamil Nadu,
Forest Department, Fort St. George, Chennai-9.

3.The Principal Chief Conservator of Forests,
Panagal Maaligai, Chennai -15.

4.The Conservator of Forests,
Tirunelveli District, Tirunelveli.

5.The District Forest Officer,
Tirunelveli Division, Tirunelveli and District.

6.The District Forest Officer,
Kanyakumari Division,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent No.5 in relation to proceedings issued in O.M.No.1528/13/E2, dated 06.03.2013 by the fifth respondent and quash the same, and issue a consequential direction to the respondent Nos.1 to 5 to count the half of the service rendered by the petitioner as a Plot Watcher from 01.04.1982 to 07.01.2005 as per Rule 11(2) of the Tamil Nadu Pension Rules, together with the regular service rendered by the petitioner as Forest Watcher from 07.01.2005 to 31.01.2012, as qualifying service and to sanction the pension and other terminal benefits with arrears.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.M.Murugan,
Government Advocate

W.P(MD)NO.959 of 2015

S.Manipandi

... Petitioner

..vs..

1.The Government of Tamil Nadu,
represented by its,
Principal Secretary to Government,
Forest & Environment Department,
Fort St. George,
Chennai.

2.Principal Chief Conservator of Forest,
Panagal Building, Saidepet,
Chennai.

3.Conservator of Forest,
Dindigul.



4.Divisional Forest Officer,
Intensive Production Division,
Thanthonrimalai, Lavanadiar Complex,
Dindigul Road, Karur.

5.Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fix and disburse pension to the petitioner by counting half of the service rendered by the petitioner from 01.05.1981 to 15.10.2003 as Plot Watcher on a daily wage basis along with regular service rendered from 22.10.2003 till 30.04.2014, with all consequential benefits.

For Petitioner	: Mr.S.Anand Chandrasekar
For R-1 to R-4	: Mr.M.Murugan, Government Advocate
For R-5	: Mr.P.Gunasekaran

W.P (MD) NO.18575 of 2015:

C.Ramasamy

... Petitioner

..vs..

1.Government of Tamilnadu,
Rep. By its Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The Forest Ranger,
Social Forestry Range,
Tirunelveli-7,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to fix and disburse pension to the petitioner by counting half of the service rendered by the petitioner from 28.07.1987 to 07.08.2009 as Plot Watcher on a daily wage basis along with regular service rendered by the petitioner from 07.08.2009 till 30.04.2011 with all consequential benefits.

For Petitioner	: Mr.S.Sivakumar
For Respondents	: Mr.M.Murugan, Government Advocate

W.P (MD) NO.22024 of 2015:



... Petitioner

..vs..

1.The State of Tamil Nadu,
Rep. By its Secretary,
Forest and Environment (FR-2) Department,
Secretariat,
Chennai - 600 009.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai.

3.The Forest Range Officer,
Social Forest Range,
Pulienkudi,
Tirunelveli District.

4.The Forest Extension Officer,
Forest Extension Centre,
Tirunelveli Division,
Ponnakurchi,
Tirunelveli.

5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents to pass orders to count half of the service of the petitioner before his absorption on 07.08.2009 along with regular service for the purpose of pension and settle all retirement benefits with 6% interest within the time stipulated by this Court.

For Petitioner	: Mr.K.Seemaraj
For R-1 to R-4	: Mr.M.Murugan, Government Advocate
For R-5	: Mr.P.Gunasekaran

COMMON ORDER

The petitioner in all the Writ Petitions have been appointed initially as Supernumerary Plot Watcher on daily wage basis on a monthly consolidated pay. It is stated that their services were regularised and they retired from service after attaining the age of superannuation.

2. The grievance of the petitioners is that 50% of the service rendered by them prior to regularization, was not taken into account for the purpose of pensionary benefits, as per Rule 11(2) of the Tamil Nadu Pension Rules.

<https://hcservices.ecourts.gov.in/hcservices/>

3. In this regard reliance was placed on the judgment of this Court

in *P.Chinniyar .vs. State of Tamil Nadu and others* reported in (2014) 6 MLJ 316, which squarely applies to case of the petitioners and there were number of writ petitions and in which, orders were passed in detail to count 50% of the service rendered before regularization.

4. In the light of the above, all the Writ Petitions are disposed of directing the Head of the Department to count 50% of the service rendered by the petitioners before regularization along with the service rendered after regularization for the purpose of pension and other benefits in the light of Rule 11(2) and 11(4) of the Tamil Nadu Pension Rules and submit the pension proposals of the petitioners for their terminal benefits, for authorisation, before the Principal Accountant General of Tamil Nadu, Chennai, within a period of three months from the date of receipt of a copy of this order and the Principal Accountant General, is directed to authorise the same within a period of four weeks thereafter. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

pm

To

- 1.The Principal Secretary,
Govt. of Tamil Nadu,
Forest & Environment Department,
St. George Fort, Chennai - 9.
- 2.The Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai.
- 3.The District Forest Officer,
Kanyakumari Division,
Vadaseri, Nagercoil,
Kanyakumari District.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai -18.
- 5.The Forest Range Officer,
Social Forest Range, Pulienkudi, Tirunelveli District.
6. The secretary to Government,
Forest Department, Fort st.George,
Chennai - 600 009.
- 7.The Forest Extension Officer,
Forest Extension Centre,
Tirunelveli Division, Ponnakurchi, Tirunelveli.



8.The Forest Ranger,
Social Forestry Range, Tirunelveli - 7,
Tirunelveli District.

9.Conservator of Forest, Dindigul.

10.Divisional Forest Officer,
Intensive Production Division,
Thanthonrimalai, Lavanadiar Complex,
Dindigul Road, Karur.

11.The Secretary to Government,
Government of Tamil Nadu,
Finance(Pension) Department,
Fort St. George, Chennai -9.

12.The Conservator of Forest,
Tirunelveli District, Tirunelveli.

13.The District Forest Officer,
Tirunelveli Division, Tirunelveli and District.

+1CC to Mr.L.George Paul Anto Advocate Sr.No.8390
+1CC to Mr.R.Saseetharan Advocate Sr.No.8766
+1CC to Mr.S.Anand Chandrasekar Advocate Sr.No.8473
+1CC to Mr.S.Sivakumar Advocate Sr.No.8326
+1CC to Mr.P.Gunasekaran Advocate Sr.No.8889
+1CC to Mr.K.Seemaraj Advocate Sr.No.8712
+1CC to Spl.Government Pleader Sr.No.8552

GJM/PM/MP/19.2.16-6p-21C

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