



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) Nos.20045 & 20046 of 2016

C.Dhinakaranasamy .. Petitioner in WP(MD)No.20045/16

C.Palanichamy .. Petitioner in WP(MD)No.20046/16

Vs.

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

The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai. .. Respondents 1 & 2 in both WPs.

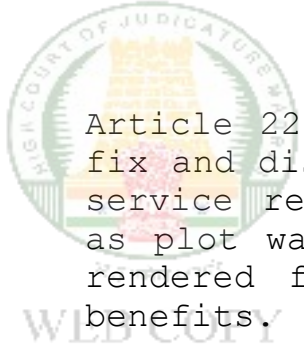
The District Forest Officer,
Pudukottai Forest Division,
Pudukottai. .. 3rd respondent in WP(MD)No.20045/16

The District Forest Officer and Deputy Director,
Sathyamangalam Division,
Sathyamangalam Tiger Sanctuary,
Sathyamangalam. ..3rd respondent in WP(MD)No.20046/16

The Principal Accountant General of Tamil Nadu,
Office of Accountant General,
Teynampet, Chennai. .. 4th respondent in both WPs.

WP(MD)No.20045 of 2016 filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus under Article 226 of Constitution of India directing the respondents to fix and disburse pension to petitioner by counting half of the service rendered by him from 01.05.1990 to 17.12.2013 as plot watcher on a daily wage basis along with regular service rendered from 18.12.2013 till 31.05.2016 with all consequential benefits.

<https://hcservices.ecourt.gov.in/cases/20046> of 2016 filed under Article 226 of the Constitution of India, praying for issue a Writ of Mandamus under



Article 226 of Constitution of India directing the respondents to fix and disburse pension to the petitioner by counting half of the service rendered by the petitioner from 01.09.1982 to 17.10.2003 as plot watcher on a daily wage basis along with regular service rendered from 17.10.2003 till 31.05.2014 with all consequential benefits.

For Petitioner	: Mr.Anand Chandrasekaran (both petitions)
For RR - 1 to 3	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R - 4	: Mr.P.Gunasekaran (both petitions)

COMMON ORDER

WP(MD)No.20045 of 2016 has been filed, seeking a direction to the respondents to count 50% of the service rendered by the petitioner from 01.05.1990 to 17.12.2013 as plot watcher on a daily wage basis along with regular service rendered from 18.12.2013 till 31.05.2016.

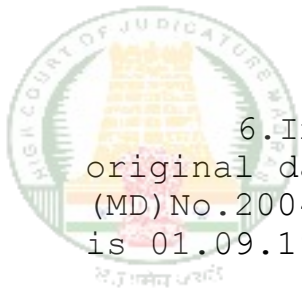
WP(MD)No.20046 of 2016 has been filed, seeking a direction to the respondents to count 50% of the service rendered by the petitioner from 01.09.1982 to 17.10.2003 as plot watcher on a daily wage basis along with regular service rendered from 17.10.2003 till 31.05.2014 with all consequential benefits.

2.Heard the learned counsel for the petitioners; the learned Additional Government Pleader, who takes notice for the respondents 1 to 3 and the learned Standing Counsel for the fourth respondent. By consent, these writ petitions are taken up for final disposal at the stage of admission.

3.Whether the petitioners are entitled to seek such a remedy is not an issue *res integra* and this issue has already been covered by the decision of this Court in a batch of Writ Petitions in WP(MD)Nos.2185, 2308 of 2012 etc., dated 13.06.2012, whereunder, the earlier order passed by this Court in WP(MD) No.8205 of 2011 dated 19.04.2011 is also relied upon.

4.The learned Additional Government Pleader for the respondents would submit that the petitioners are entitled to only contributory pension as they are appointed after 01.04.2003.

5.This contention has already been raised in the earlier Writ Petitions (cited supra) and the same has not been accepted and it cannot also be accepted in the light of the several



6. In the case of WP(MD)No.20045 of 2016, the petitioner's original date of appointment is 01.05.1990 and in the case of WP (MD)No.20046 of 2016, the original appointment of the petitioner is 01.09.1982.

7. Under such circumstances, the contention raised on the side of the respondents is rejected and these petitions are allowed in the light of the earlier orders passed by this Court in WP(MD)Nos.2185, 2308 of 2012 etc., dated 13.06.2012. 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 (CO)

/True copy/

Sub Assistant Registrar

To

1. Government of Tamil Nadu,
Principal Secretary to Government,
Forest & Environment Department,
Fort St. George,
Chennai.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
3. The District Forest Officer,
Pudukottai Forst Division,
Pudukottai.
4. The Principal Accountant General of Tamil Nadu,
Office of Accountant General, Teynampet, Chennai.
5. The District Forest Officer and Deputy Director,
Sathyamangalam Division, Sathyamangalam Tiger Sanctuary,
Sathyamangalam.

+2 CC to M/s.SARVABHAUMAN ASSOCIATES, SR No. 67265 & 67266
+2 CC to Mr.P.GUNASEKARAN, Advocate, SR No.67556 & 67557
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.67027

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