

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.12.2016

CORAM:

THE HON'BLE **MR.JUSTICE R.SURESH KUMAR****W.P(MD) Nos.23667 and 23668 of 2016**

V.Nagavalli

... Petitioner in W.P.No.23667/2016

C.Thennammal

... Petitioner in W.P.No.23668/2016

Vs.

1. The State of Tamil Nadu
represented 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 Divisional Forest Officer,
Social Forestry Division,
Office of the District Collector Campus,
Virudhunagar.
4. The Principal Accountant General Officer,
Accountant General Office,
Chennai.
5. The Forest Range Officer,
Social Forest Range,
Aruppukottai,
Virudhunagar District.

... Respondents in W.P.(MD).No.23667 of 2016



1. The State of Tamil Nadu
represented by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat,
Chennai 600 009.
2. The Principal Chief Conservator of Forest,
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Saidapet,
Chennai.
3. The Divisional Forest Officer,
Social Forestry Division,
Office of the District Collector Campus,
Virudhunagar.
4. The Principal Accountant General Officer,
Accountant General Office,
Chennai.
5. The Forest Range Officer,
Social Forest Range,
Sivakasi,
Virudhunagar District.

... Respondents in W.P.(MD).No.23668 of 2016

Prayer in W.P.No.23667 of 2016: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to count half of the service of the petitioner's husband before his absorption on 07.08.2009 along with regular service of the petitioner's husband from 07.08.2009 for the purpose of granting pension and settle all retirement benefits with 12% interest within a time frame that may be fixed by this Court.

Prayer in W.P.No.23668 of 2016: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to count half of the service of the petitioner's husband before his absorption on 07.08.2009 along with regular service of the petitioner's husband for the purpose of granting pension and settle all retirement benefits with 12% interest within a time frame that may be fixed by this Court.

For Petitioners	: Mr.K.Seemaraj
For R1 to 3 & 5	: Mr.M.Rajarajan
	Government Advocate
For R4	: Mr.Gunaseelan



C O M M O N O R D E R

The prayer in these writ petitions is for a Writ of Mandamus directing the respondents to count half of the service of the petitioners' husband before their absorption on 07.08.2009 along with regular service of the petitioner's husband from 07.08.2009 for the purpose of granting pension and settle all retirement benefits with 12% interest within a time frame.

2. The learned counsel appearing for the petitioners would contend that the issue raised in these writ petitions is a covered issue as number of orders have been passed by this Court and in this regard, the learned counsel for the petitioners relied upon a recent order of this Court made in W.P.(MD).No.19028 of 2016, dated 04.10.2016 in the matter of *R.Panchavarnam vs. the State of Tamil Nadu represented by its Secretary, Forest and Environment (FR-2) Department, Secretariat, Chennai and others*. In the said order, this Court has passed the following directions:

"6. Under such circumstances, the first respondent is directed to count half of the service of the petitioner (50%) before his absorption on 07.08.2009 i.e., from 01.12.1985 to 06.08.2009 along with the regular service from 07.08.2009, for the purpose of pension and thereafter, to settle the retirement benefits within a period of eight weeks from the date of receipt of a copy of this order."

3. The learned counsel for the petitioners also would rely upon a Government Order in G.O.Ms.No.44, Environment Forest (F2) Department, dated 29.08.2016, wherein a case of similar nature for 71 members of plot watchers /forest watchers, who had been similarly placed like that of the petitioner had been considered, of course, pursuant to the various orders passed by this Court and accordingly, through the said Government Order, the Government directed to calculate 50% of the services rendered by the employees before they were permanently absorbed for the purpose of service benefit and the relevant portion of the said Government Order is reproduced for better appreciation of the issue hereunder:

"In various writ petitions filed by 71 numbers of retired Plot Watchers/Forest Watchers/Malis/legal heir of the deceased forest watchers separately before the Hon'ble High Court of Madras and the Madurai Bench of Hon'ble Madras High Court with a prayer to count 50% of the services rendered by them as plot watcher on daily wages along with their regular service for calculation of pension and the Hon'ble High Court in all the above cases has directed the respondents to count the services rendered by the petitioners as plot watcher on daily wages along with their regular service as

qualifying service for calculation of pensionary benefits and to grant eligible pension and other consequential benefits.

2. In pursuance of the orders of the Hon'ble High Courts, the Principal Chief Conservator of Forests has requested the Government to issue orders to implement the orders of the Hon'ble High Court of Madras and the Madurai Bench of Hon'ble Madras High Court to count 50% of service rendered by the 71 petitioners, on daily wages along with their regular service for calculation of pension and other monetary benefits.

3. The Government, after careful examination, accept the proposal of the Principal Chief Conservator of Forests and direct the half of the services rendered on daily wages by the 71 petitioners mentioned in the annexure to this order, shall be counted along with their regular service for calculation of pensionary benefits."

4. The learned Government Advocate appearing for the respondents would contend that the said benefit was given only on considering case to case basis, of course pursuant to the various orders passed by this Court. The decision was not taken by the Government covering of those persons and only based on the relevant material of each of the employee, benefits were given calculating the 50% of the past service before they were observing in their regular service and also pursuant to the order of this Court.

5. Considering the said submissions made by the learned counsel appearing for both sides and in view of the Government Order, dated 29.08.2016, where the Government has given the same relief to number of persons and also considering the various orders of this Court and especially the order dated 04.10.2016 made in W.P.(MD).No.19028 of 2016 of this Court, this petitioner would also be entitled to get the same relief and in view of the same, the following orders are passed:

6. The respondents are directed to take the 50% of the past service of the petitioners' husband before they were absorbed and accordingly, the pensionary benefits and all other retirement benefits shall be calculated and the same shall be paid to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, these writ petitions are ordered. No costs.

Sd/-

Deputy Registrar(Accounts)



To

1. The Secretary,
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Social Forest Range,
Aruppukottai,
Virudhunagar District.
6. The Forest Range Officer,
Social Forest Range,
Sivakasi,
Virudhunagar District.

+2 cc's to M/s.K.Seemaraj, Advocate in SR.Nos. 79833 & 79834
+2 cc's to M/s.P.Gunasekaran, Advocate in SR.Nos.79695 & 79696
+1 cc to The Special Government Pleader in SR.No.80000

akv

CSL/GSV-PM/02.01.2017 : 5P/12C

W.P(MD) Nos.23667 & 23668 of 2016
05.12.2016