



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM :

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)Nos.24688 to 24695 of 2016W.P(MD)No.24688 of 2016

K.Kalimuthu

... Petitioner in W.P(MD)No.24688 of 2016

vs.

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

2)The Principal Chief Conservator of Forests,
Panagal Building, Chennai - 15.

3)The Divisional Forest Officer,
Social Forestry Division,
Sivagangai,Sivagangai District.

4)The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18. .. Respondents in W.P(MD)No.24688
of 2016

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents from 1 to 3 to count the half of the service rendered by the petitioner as a social forestry worker from 11.11.1985 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.06.2016 as a qualifying service and send the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

W.P(MD)No.24689 of 2016

M. CHINNAN,

... Petitioner(s) in WP(MD). 24689/ 2016

- Vs. -

THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.



2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.

3 WILD LIFE WARDEN,
GRIZZLED SQUIRREL WILD LIFE SANCTUARY,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

4 THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18. ... Respondent(s) in WP(MD). 24689/ 2016

Prayer in WP(MD). 24689/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.10.1980 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.06.2010 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

W.P(MD)No.24690 of 2016

R. MALAISAMY, ... Petitioner(s) in WP(MD). 24690/ 2016
- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 PRINCIPAL CHIEF CONSERVATOR
OF FORESTS, PANAGAL BLDG., CHENNAI-15.

3 THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION,
SIVAGANGAI DISTRICT.

4 THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18 Respondent(s) in WP(MD). 24690/ 2016

Prayer in WP(MD). 24690/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.06.1983 to



06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.12.2014 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

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W.P(MD)No.24691 of 2016

1 G. SAMBASIVAM, ... Petitioner(s) in WP(MD). 24691/ 2016

- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.

3 THE DISTRICT FOREST OFFICER,
SOCIAL FORESTRY DIVISION, THOOTHUKUDI DT.

4 THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18. ... Respondent(s) in WP(MD). 24691/ 2016

Prayer in WP(MD). 24691/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 11.11.1985 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.06.2016 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

W.P(MD)No.24692 of 2016

P. VEERAN, ... Petitioner(s) in WP(MD). 24692/ 2016

- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.



3 DISTRICT FOREST OFFICER, RACE COURSE ROAD,
MADURAI DT.

4 THE PRINCIPAL ACCOUNTANT GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18. ... Respondent(s) in WP(MD). 24692/ 2016

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Prayer in WP(MD). 24692/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 05.02.1979 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.11.2009 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

W.P(MD)No.24693 of 2016

K. ALAGARSAMY, ... Petitioner(s) in WP(MD). 24693/ 2016
- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

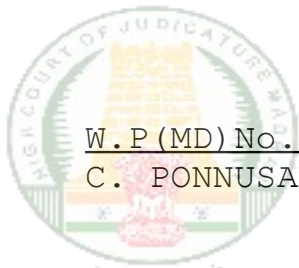
2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.

3 THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, SIVAGANGAI DT.

4 THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU, TEYNAMPET,
CHENNAI-18. ... Respondent(s) in WP(MD). 24693/ 2016

Prayer in WP(MD). 24693/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.03.1983 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.01.2014 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.



W.P(MD)No.24694 of 2016

C. PONNUSAMY,

... Petitioner(s) in WP(MD). 24694/ 2016

- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.

3 THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION,
ARASANOOR, SIVAGANGAI DISTRICT

4 THE PRINCIPAL ACCOUNTANT GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18. ... Respondent(s) in WP(MD). 24694/ 2016

Prayer in WP(MD). 24694/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.03.1983 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 28.02.2011 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

W.P(MD)No.24695 of 2016

P. SANGU,

... Petitioner(s) in WP(MD). 24695/ 2016

- Vs. -

1 THE GOVERNMENT OF TAMIL NADU,
REP. BY SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9.

2 PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI-15.

3 ASST. CONSERVATOR OF FORESTS, (FA/C),
FOREST PROTECTION AND VIGILANCE WING,
VIRUTHUNAGAR DISTRICT

4 THE PRINCIPAL ACCOUNTANT GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI-18. ... Respondent(s) in WP(MD). 24695/ 2016



Prayer in WP(MD). 24695/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction particularly a Writ in the nature of Mandamus directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.12.1982 to 09.07.2007 along with the regular service as Plot Watcher from 10.07.2007 to 29.02.2016 as a qualifying service and sent the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner : Mr.G.Chandrasekar

For R1 to R3 : Mr.A.K.Baskarapandian
Special Government Pleader

For R4 : Mr.P.Gunasekaran

COMMON ORDER

Heard both sides. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the 4th respondent. By consent, these Writ Petitions are taken up for final disposal.

2.The grievance of the petitioners is that 50% of the services rendered by them prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. The petitioners have relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 (Government of Tamil Nadu rep. by its Secretary to Government Vs. M.Gopal), which was confirmed by the Hon'ble Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, in P.Chinniyan Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316, this Court has given a direction to count 50% of service rendered before regularisation.

3.Following the abovesaid orders, these writ petitions are disposed of directing the respondents 1 to 3 to count 50% of service rendered by the petitioners before regularization along with the service rendered by them after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the judgments referred to above and send the revised proposals for the terminal benefits for authorization before the 4th respondent, within a



period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorize the same within a period of two weeks, thereafter. No costs.

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Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1) THE SECRETARY TO GOVERNMENT,
GOVERNMENT OF TAMIL NADU,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 9.

2) THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
PANAGAL BUILDING, CHENNAI - 15.

3) THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, SIVAGANGAI,
SIVAGANGAI DISTRICT.

4) THE PRINCIPAL ACCOUNTANT GENERAL OF TAMIL NADU,
TEYNAMPET, CHENNAI - 18.

5 WILD LIFE WARDEN,
GRIZZLED SQUIRREL WILD LIFE SANCTUARY,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

6 THE DISTRICT FOREST OFFICER,
SOCIAL FORESTRY DIVISION,
THOOTHUKUDI DISTRICT

7 DISTRICT FOREST OFFICER,
RACE COURSE ROAD, MADURAI DISTRICT

8 THE DISTRICT FOREST OFFICER,
SOCIAL FORESTRY DIVISION,
ARASANOOR, SIVAGANGAI DISTRICT

9 ASSISTANT CONSERVATOR OF FORESTS, (FA/C),
FOREST PROTECTION AND VIGILANCE WING,
VIRUTHUNAGAR DISTRICT

+3 CC TO MR.P.GUNASEKARAN, ADVOCATE SR.NO.82938 TO 82940

+8 CC TO MR.G.CHANDRASEKAR, ADVOCATE SR.NO.82754 TO 82761

+1 CC TO SPECIAL GOVERNMENT PLEADER SR.NO.83514

W.P(MD)Nos.24688 to 24695 of 2016

22.12.2016