

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P. Nos. 11682 to 11690 of 2017

- 1 V. BOOPALAN ... PETITIONER in WP No.11682 of 2017
- 1 P. RADHAKRISHNAN ... PETITIONER in WP No.11683 of 2017
- 1 G. PERUMAL ... PETITIONER in WP No.11684 of 2017
- 1 K. MANICKAM ... PETITIONER in WP No.11685 of 2017
- 1 A. CHENTRAYAN ... PETITIONER in WP No.11686 of 2017
- 1 C. JAYAPAL ... PETITIONER in WP No.11687 of 2017
NIGHT WATCHMAN
- 1 E. MARIAPPAN ... PETITIONER in WP No.11688 of 2017
- 1 G. ACHUTHAN ... PETITIONER in WP No.11689 of 2017
FOREST WATCHER
- 1 D. CHANDRAN ... PETITIONER in WP No.11690 of 2017
FOREST WATCHER
- VS
- 1 GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT FOREST AND ENVIRONMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS HEAD OF FOREST FORCE
NO.1 JEENIS ROAD PANAGAL BUILDING
SAIDAPET CHENNAI-15
- 3 THE DISTRICT FOREST OFFICER
HOSUR FOREST DIVISION HOSUR 635 110
KRISHNAGIRI DISTRICT

- 4 THE ACCOUNTANT GENERAL OF
TAMILNADU OFFICE OF THE ACCOUNTANT GENERAL
ANNA SALAI TEYNAMPET CHENNAI-18
... RESPONDENT in WP No.11682 to 11686 of 2017
- 1 GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT FOREST AND ENVIRONMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS HEAD OF FOREST FORCE
NO.1 JEENIS ROAD PANAGAL BUILDING
SAIDAPET CHENNAI-15
- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI NORTH FOREST DIVISION POLUR
THIRUVANNAMALAI DISTRICT
- 4 THE ACCOUNTANT GENERAL OF
TAMILNADU OFFICE OF THE ACCOUNTANT GENERAL
ANNA SALAI TEYNAMPET CHENNAI-18
... RESPONDENT in WP No.11687 of 2017
- 1 GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT FOREST AND ENVIRONMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9
- 2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS HEAD OF FOREST FORCE
NO.1 JEENIS ROAD PANAGAL BUILDING
SAIDAPET CHENNAI-15
- 3 THE DISTRICT FOREST OFFICER
INTERFACED FOREST DIVISION (IFF)
KRISHNAGIRI KRISHNAGIRI DISTRICT
- 4 THE SOIL CONSERVATION OFFICER
METTUR SOIL CONSERVATION SCHEME DIVISION
DHARMAPURI DHARMAPURI DISTRICT
- 5 THE ACCOUNTANT GENERAL OF
TAMILNADU OFFICE OF THE ACCOUNTANT GENERAL
ANNA SALAI TEYNAMPET CHENNAI-18
... RESPONDENT in WP No.11688 of 2017

1 GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT FOREST AND ENVIRONMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS HEAD OF FOREST FORCE
NO.1 JEENIS ROAD PANAGAL BUILDING
SAIDAPET CHENNAI-15

3 THE DISTRICT FOREST OFFICER
VELLORE FOREST DIVISION VELLORE VELLORE
DISTRICT

4 THE ACCOUNTANT GENERAL OF
TAMILNADU OFFICE OF THE ACCOUNTANT GENERAL
ANNA SALAI TEYNAMPET CHENNAI-18

... RESPONDENT in WP No.11689 of 2017

1 GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT FOREST AND ENVIRONMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE PRINCIPAL CHIEF
CONSERVATOR OF FORESTS HEAD OF FOREST FORCE
NO.1 JEENIS ROAD PANAGAL BUILDING
SAIDAPET CHENNAI-15

3 THE DISTRICT FOREST OFFICER
THIRUPPATHUR FOREST DIVISION THIRUPPATHUR
VELLORE DISTRICT

4 THE DISTRICT FOREST OFFICER
RURAL FUEL WOOD FOREST DIVISION
THIRUPPATHUR VELLORE DISTRICT

5 THE ACCOUNTANT GENERAL OF
TAMILNADU OFFICE OF THE ACCOUNTANT GENERAL
ANNA SALAI TEYNAMPET CHENNAI-18

... RESPONDENT in WP No.11690 of 2017

These Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus

WP No.11682 of 2017:

directing the respondents to count half of the service rendered by the petitioner as plot watcher from 1.3.1982 to till 1.9.2004 along with regular service rendered by the petitioner as Forest Watcher in the Regular Post on from 2.9.2004 to 31.3.2016 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11683 of 2017:

directing the respondents to count half of the service rendered by the petitioner as plot watcher from 1.6.1983 to till 21.10.2008 along with regular service rendered by the petitioner as Forest Watcher in the Regular Post on from 22.10.2008 to 31.3.2017 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11684 of 2017:

directing the respondents to count half of the service rendered by the petitioner as plot watcher from 1.6.1983 to till 21.10.2008 along with regular service rendered by the petitioner as Forest Watcher in the Regular Post on from 22.10.2008 to 31.3.2017 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11685 of 2017

directing the respondents to count half of the service rendered by the petitioner as plot watcher from 1.11.1980 to till 22.6.2003 along with regular service rendered by the petitioner as Forest Watcher in the Regular Post and Forest Guard on from 23.6.2003 to 30.4.2016 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11686 of 2017

directing the respondents to count half of the service rendered by the petitioner as plot watcher from 1.3.1981 to till 1.10.2003 along with regular service rendered by the petitioner as Forest Watcher in the Regular Post and Forest Guard on from 2.10.2003 to 30.6.2015 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant

pension with all consequential monetary benefits

WP No.11687 of 2017

Directing the respondents to count half of the service rendered by the petitioner as Plot Watcher from 1.4.1981 to till 6.8.2009 along with regular service rendered by him as Plot Watcher in the Supernumerary Post and Night Watchman on from 7.8.2009 to 31.12.2015 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11688 of 2017

Directing the respondents to count half of the service rendered by the petitioner as Plot Watcher from 1.4.1983 to till 6.8.2009 along with regular service rendered by him as Plot Watcher in the Supernumerary Post and Night Watchman on from 7.8.2009 to 30.9.2015 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for grant pension with all consequential monetary benefits

WP No.11689 of 2017

Directing the respondents to count half of the service rendered by the petitioner as Social Forestry Worker/ Plot Watcher from 1.6.1984 to till 6.8.2009 along with regular service rendered by him as Plot Watcher in the Supernumerary Post and Forest Watcher on from 7.8.2009 to 31.10.2015 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

WP No.11690 of 2017

Directing the respondents to count half of the service rendered by the petitioner as Social Forestry Worker/ Plot Watcher from 1.6.1984 to till 6.8.2009 along with regular service rendered by him as Plot Watcher in the Supernumerary Post and Forest Watcher on from 7.8.2009 to 31.10.2015 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

For Petitioners in all W.Ps. : Mr.M.R.Jothimaniyan
For Respondents in all W.Ps. : Mr.N.Inbanathan,
Government Advocate (Forest)

C O M M O N O R D E R

By consent, the main Writ Petitions are taken up for final disposal.

2. The petitioners have come up with the present writ petitions, praying for issuance of a writ of mandamus, directing

the respondents to count half of the service rendered by them as Social Forestry Worker/Plot Watchers on daily wage basis along with the regular service rendered by them as Plot Watchers/Forest Watcher/Forest Guard/Night Watchman till the date of their retirement as qualifying service and send the revised proposal to the respondent/Accountant General of Tamilnadu, Office of the Accountant General, Anna Salai, Teynampet, Chennai, for grant of pension to them with all consequential monetary benefits.

3. Today, when the cases came up for admission, learned counsel appearing for the petitioners has submitted that the issue involved in these Writ Petitions is no longer res integra, as similarly placed person filed W.P. No. 8205 of 2011, seeking to count half of the service rendered by him on temporary basis along with regular service, as qualifying service for the purpose of calculation of pension and other retirement benefits. The said Writ Petition was allowed by this Court, by order dated 19.04.2011, which was also confirmed by the Hon'ble Division Bench of this Court, by judgment dated 13.02.2012, passed in W.A. Nos. 27 & 28 of 2012, and the same was also affirmed by the Hon'ble Supreme Court, by order dated 10.05.2012, passed in Special Leave Petitions, viz, in SLP (C) Nos. 14838 to 14839 of 2012 and 16119 to 16120 of 2012, and the Revision Petition (C) No.1418 of 2013, filed against the said order, dated 10.05.2012, was also dismissed by the Hon'ble Supreme Court, by order, dated 30.07.2013, and the order was also implemented by the Government by issuing G.O.Ms. No.183 Environment and Forest Department, dated 18.07.2012. Therefore, the learned counsel submitted that following the order, dated 19.04.2011, made in W.P. No. 8205 of 2011, the present Writ Petitions may also be allowed.

4. The learned Government Advocate, who accepts notice on behalf of the respondents has fairly conceded that the issue involved in the Writ Petitions is covered by the order, dated 19.04.2011, made in W.P. No. 8205 of 2011, relied upon by the learned counsel appearing for the petitioners.

5. Thus, in the light of the order, dated 19.04.2011, passed by this Court in W.P. No. 8205 of 2011, and considering the fact that, following the said order, umpteen number of Writ Petitions were also allowed, present Writ Petitions are also allowed. Consequently, the respondents 1 to 3 are directed to count half of the service rendered by the petitioners on daily wages basis along with regular service rendered by them till the date of retirement, as qualifying service, and send revised proposals to the respondent/Accountant General, Teynampet, Chennai, within a period of eight weeks from the date of receipt of a copy of this order, and the Accountant

General, is directed to consider the same and pass necessary orders within a period of six weeks thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1. Government of Tamil Nadu
Rep. by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
No. 1, Jeenias Road,
Panagal Building,
Saidapet, Chennai - 15.
3. The District Forest Officer,
Hosur Forest Division,
Hosur - 635 110,
Krishnagiri District.
4. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai - 18.
5. The District Forest Officer
Thiruvannamalai North Forest Division Polur
Thiruvannamalai District.
6. The District Forest officer
Interfaced Forest Division (Iff)
Krishnagiri Krishnagiri District.

7. The Soil Conservation Officer
Mettur Soil Conservation Scheme Division
Dharmapuri Dharmapuri District

8. The District Forest Officer
Vellore Forest Division
Vellore Vellore District.

9. The District Forest Officer
Thiruppathur Forest Division
Thiruppathur Vellore District.

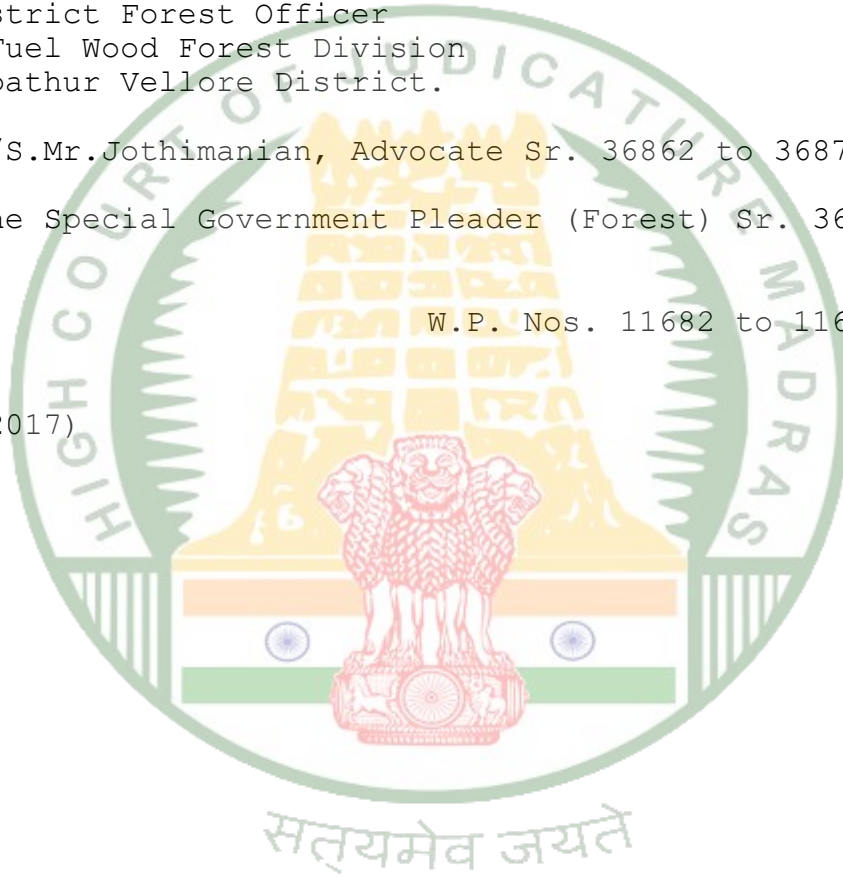
10. The District Forest Officer
Rural Fuel Wood Forest Division
Thiruppathur Vellore District.

+9cc to M/S.Mr.Jothimanian, Advocate Sr. 36862 to 36870

+1cc to the Special Government Pleader (Forest) Sr. 36694

W.P. Nos. 11682 to 11690 of 2017

VR(14/06/2017)



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