

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P. Nos. 11716 to 11725 of 2017

1 K.APPADURAI @ APPU ... PETITIONER in WP No.11716 of 2017

1 K.JAYA GOBI ... PETITIONER in WP No.11717 of 2017

1 C.KULANDAIYAN ... PETITIONER in WP No.11718 of 2017

1 G.KASI ... PETITIONER in WP No.11719 of 2017

1 M.RAJA ... PETITIONER in WP No.11720 of 2017

1 M.VENUGOPAL ... PETITIONER in WP No.11721 of 2017

1 A.THANGA STALIN ... PETITIONER in WP No.11722 of 2017

1 D.SUNDARAM ... PETITIONER in WP No.11723 of 2017

1 B.MURUGESAN ... PETITIONER in WP No.11724 of 2017

1 R.ANBALAGAN ... PETITIONER in WP No.11725 of 2017

1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY ENVIRONMENT & FOREST
DEPARTMENT FORT ST. GEORGE CHENNAI 600 009.

2 THE PRINCIPAL CHIEF
CONSERVATION OF FOREST OFF. AT PANAGAL
BUILDING SAIDAPET CHENNAI 600 015.

4 THE ACCOUNTANT GENERAL OF
TAMIL NADU OFFICE AT DMS COMPOUND
TEYNAMPET CHENNAI 600 018.

...1,2,4th RESPONDENT in WP No.11716 to 11725 of 2017

3 THE DISTRICT FOREST OFFICER
DHARMAPURI.

... 3rd RESPONDENT in WP No.11716 of 2017

- 3 THE DISTRICT FOREST OFFICER
SALEM INTERFACE FOREST DIVISION SALEM.
... 3rd RESPONDENT in WP No.11717 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI NORTH DIVISION AT POLUR
THIRUVANNAMALAI DISTRICT.
... 3rd RESPONDENT in WP No.11718,11719 of 2017
- 3 THE DISTRICT FOREST OFFICER
POLLACHI.
... 3rd RESPONDENT in WP No.11720 of 2017
- 3 THE DISTRICT FOREST OFFICER
KALLAKURICHI VILLUPURAM.
... 3rd RESPONDENT in WP No.11721 of 2017
- 3 THE DISTRICT FOREST OFFICER
HARUR DHARMAPURI DISTRICT.
... 3rd RESPONDENT in WP No.11722 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUPATHUR VELLORE DISTRICT.
... 3rd RESPONDENT in WP No.11723,11724 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUPATHUR ARIYALLOOR.
... 3rd RESPONDENT in WP No.11725 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.11716 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.04.1979 till 17.11.2003 along with the regular service rendered by him as Mali and Forest Guard from 18.11.2003 to till the date of his retirement namely 30.06.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11717 of 2017:

directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 18.8.1984 till 6.8.2009 along with the regular service

rendered by him as Plot Watcher (Supernumerary Post) from 07.08.2009 till the date of his retirement namely 31.1.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11718 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.05.1981 till 6.12.2010 along with the regular service rendered by him as Forest Watcher from 07.12.2010 till the date of his retirement namely 31.5.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11719 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 19.07.1981 till 27.3.2012 along with the regular service rendered by him as Forest Watcher from 28.3.2012 to till the date of his retirement namely 31.3.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11720 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Anti-Poaching Watcher on daily wage basis from 01.11.1989 till 13.06.2010 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 14.06.2010 to till the date of his retirement as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

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WP No.11721 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 10.01.1983 till 23.01.1995 along with the regular service rendered by him as Forest Watcher from 24.01.1995 to till the date of his retirement namely 30.06.2015 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11722 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 18.10.1983 till 06.8.2009 along with the regular service rendered by him as Plot Watcher(Supernumerary Post) and Forest Watcher from 7.8.2009 till the date of his retirement namely 28.02.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11723 of 2017:

directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.04.1982 till 28.12.2004 along with the regular service rendered by him as Forest Watcher and Forest Guard from 29.12.2004 till the date of his retirement namely 31.01.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11724 of 2017:

directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1981 till 16.9.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 17.09.2003 till the date of his retirement namely 28.02.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11725 of 2017:

directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 10.08.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 7.8.2009 till the date of his retirement namely 31.07.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioners
in all W.Ps. : Mr.S.Mani

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 writ of mandamus, directing the respondents 1 to 3 to count half of the service rendered by them as Anti-Poaching Watcher/Plot Watchers on daily wage basis along with the regular service rendered by them as Mali/Plot Watchers/Forest Watcher/Forest Guard, till the date of their retirement as qualifying service and send the revised proposal to the fourth respondent, for grant of pension to them with all consequential monetary benefits.

3. Today, when the cases came up for admission, the 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 fourth 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(CS IV)

//True Copy//

Sub Assistant Registrar

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To

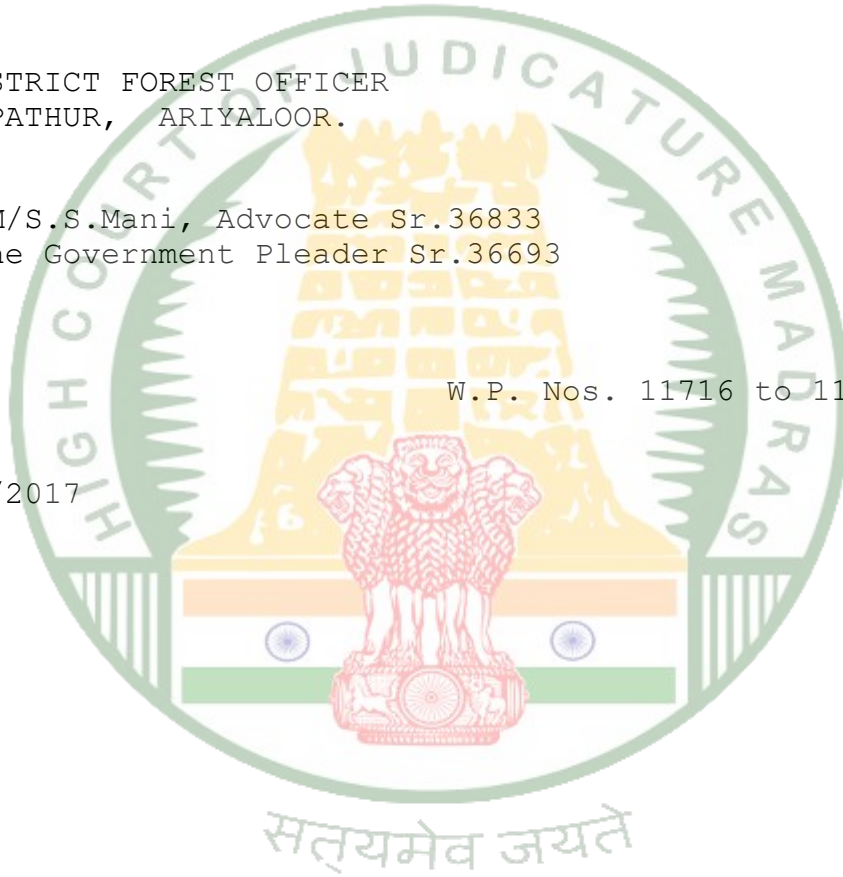
1. GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 600 009.
2. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
HAVING OFFICE AT PANAGAL BUILDING,
SAIDAPET, CHENNAI -600 015.
3. THE DISTRICT FOREST OFFICER,
DHARMAPURI.
4. THE ACCOUNTANT GENERAL OF TAMILNADU,
OFFICE AT DMS COMPOUND TEYNAMPET,
CHENNAI - 600 018.
5. THE DISTRICT FOREST OFFICER
SALEM INTERFACE FOREST DIVISION SALEM.
6. THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI NORTH DIVISION AT POLUR
THIRUVANNAMALAI DISTRICT.

7. THE DISTRICT FOREST OFFICER
POLLACHI.
8. THE DISTRICT FOREST OFFICER,
KALLAKURICHI, VILLUPURAM.
9. THE DISTRICT FOREST OFFICER
HARUR, DHARMAPURI DISTRICT.
10. THE DISTRICT FOREST OFFICER
THIRUPATHUR, VELLORE DISTRICT.
11. THE DISTRICT FOREST OFFICER
THIRUPATHUR, ARIYALLOOR.

+10cc to M/S.S.Mani, Advocate Sr.36833
+1cc to the Government Pleader Sr.36693

W.P. Nos. 11716 to 11725 of 2017

srg 14/06/2017



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