

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P. Nos. 11726 to 11735 of 2017

- 1 C.GOVINDARAJ ... PETITIONER in WP No.11726 of 2017
- 1 S.MASILAMANI ... PETITIONER in WP No.11727 of 2017
- 1 K.KRISHNAMOORTHY ... PETITIONER in WP No.11728 of 2017
- 1 K.KARUPPASAMY ... PETITIONER in WP No.11729 of 2017
- 1 K.NARAYANASAMY ... PETITIONER in WP No.11730 of 2017
- 1 G.THIRUVENKATAM ... PETITIONER in WP No.11731 of 2017
- 1 M.THIRUMARAN ... PETITIONER in WP No.11732 of 2017
- 1 S.MADHA GOUNDER ... PETITIONER in WP No.11733 of 2017
- 1 K.DHANASEKARAN ... PETITIONER in WP No.11734 of 2017
- 1 D.PUNITHA ... PETITIONER in WP No.11735 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 HAVING OFFICE 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.11726 to 11735 of 2017
- 3 THE DISTRICT FOREST OFFICER
CUM FIELD OFFICER MUDUMALAI TIGER RESERVE
FOREST UDAGAMANDALAM NILGIRIS
... 3rd RESPONDENT in WP No.11726 of 2017

- 3 THE DISTRICT FOREST OFFICER
VILLUPURAM
... 3rd RESPONDENT in WP No.11727 of 2017
and 11728 of 2017 and 11730 of 2017
- 3 THE DISTRICT FOREST OFFICER
VILLUPURAM DIVISION VILLUPURAM
... 3rd RESPONDENT in WP No.11728 of 2017
- 3 THE DISTRICT FOREST OFFICER
POLLACHI
... 3rd RESPONDENT in WP No.11729 of 2017
- 3 THE DISTRICT FOREST OFFICER
VILLUPURAM
... 3rd RESPONDENT in WP No.11730 of 2017
- 3 THE DISTRICT FOREST OFFICER
VELLORE
... 3rd RESPONDENT in WP No.11731 of 2017
and 11735 of 2017
- 3 THE DISTRICT FOREST OFFICER
ERODE
... 3rd RESPONDENT in WP No.11732 of 2017
- 3 THE DISTRICT FOREST OFFICER
SALEM
... 3rd RESPONDENT in WP No.11733 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUVALLUR
... 3rd RESPONDENT in WP No.11734 of 2017
- 3 THE DISTRICT FOREST OFFICER
VELLORE
... 3rd RESPONDENT in WP No.11735 of 2017

WP No.11726 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 3.11.1982 till 28.12.2006 along with the Regular Service rendered by him as Forest Watcher from 29.12.2006 to till the date of his retirement namely 30.6.2010 as qualifying service, send the revised proposal to the 4th Respondent, grant pension

to the petitioner with all consequential monetary benefits

WP No.11727 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.12.1984 till 6.8.2009 along with the Regular Service rendered by him as Plot Watcher (Supernumerary Post) for 7.8.2009 to till the date of his retirement namely 31.5.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11728 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.10.1985 till 6.8.2009 along with the Regular Service rendered by him as Plot Watcher (Supernumerary Post) for 7.8.2009 to till the date of his retirement namely 31.10.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11729 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 1.4.1987 till 6.8.2009 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 30.4.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11730 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.12.1984 till 6.8.2009 along with the Regular Service rendered by him as Plot Watcher Supernumerary Post) as well as Forest Watcher from 7.8.2009 to till the date of his retirement namely 28.2.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11731 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.4.1981 till 14.9.2003 along with the Regular Service rendered by him as Forest Watcher as well as Forest Guard from 15.9.2003 to till date of his retirement namely 28.2.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant

pension to the petitioner with all consequential monetary benefits

WP No.11732 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 1.9.1981 till 31.10.2003 along with the Regular Service rendered by him as Forest Watcher as well as Forest Guard from 1.11.2003 to till date of his retirement namely 28.2.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11733 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 1.4.1983 till 10.3.2008 along with the Regular Service rendered by him as Forest Watcher from 11.3.2008 till the date of his retirement namely 28.2.2015 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11734 of 2017

Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage basis from 10.10.1984 till 6.8.2009 along with the Regular Service rendered by him as Plot Watcher from (Supernumerary Post) from 7.8.2009 to till the date of his retirement namely 30.11.2014 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11735 of 2017

Directing the Respondents 1 to 3 to count half of the service rendered by the petitioner husband as Plot Watcher on Daily Wage basis from 1.5.1981 till 8.9.2003 along with his regular service as Forest Watcher as well as Forest Guard from 9.9.2003 till the ate of prior to his death on 8.12.2016, so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposal to the 4th respondent, direct the 4th respondent to pay family 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 Plot Watchers on daily wage basis along with the regular service rendered by them as 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

//True Copy//

Sub Assistant Registrar

sd

To

- 1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY ENVIRONMENT & FOREST
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- 7 THE DISTRICT FOREST OFFICER
VELLORE

8 THE DISTRICT FOREST OFFICER
ERODE

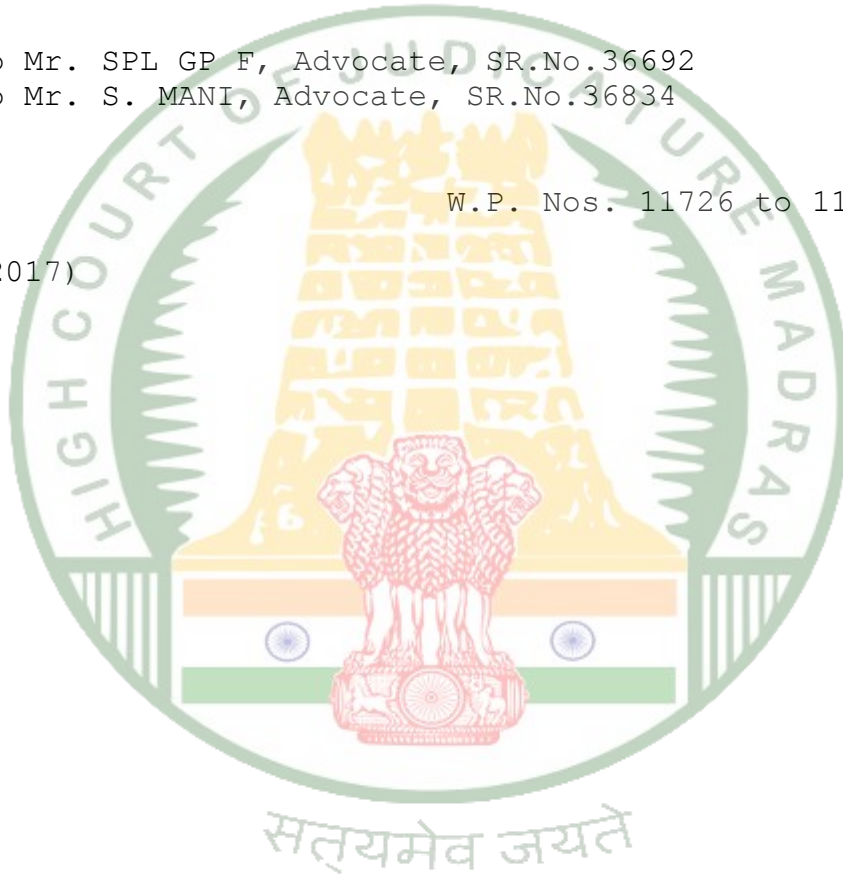
9 THE DISTRICT FOREST OFFICER
SALEM

10 THE DISTRICT FOREST OFFICER
THIRUVALLUR

+ 1 cc to Mr. SPL GP F, Advocate, SR.No.36692
+ 10 cc to Mr. S. MANI, Advocate, SR.No.36834

W.P. Nos. 11726 to 11735 of 2017

RS (15/06/2017)



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