

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.Nos. 11736 to 11747 of 2017

1 P.IYOTHI ... PETITIONER in WP No.11736 of 2017
1 A.RUTHIRAN ... PETITIONER in WP No.11737 of 2017
1 S.RAYAR ... PETITIONER in WP No.11738 of 2017
1 R.MANI ... PETITIONER in WP No.11739 of 2017
1 A.ELUMALAI ... PETITIONER in WP No.11740 of 2017
1 S.AMIRTHAM ... PETITIONER in WP No.11741 of 2017
1 S.PUSHPA ... PETITIONER in WP No.11742 of 2017
1 C.SUBRAMANI ... PETITIONER in WP No.11743 of 2017
1 G.RAJAVELU ... PETITIONER in WP No.11744 of 2017
1 K.MANI ... PETITIONER in WP No.11745 of 2017
1 K.RAMALINGAM ... PETITIONER in WP No.11746 of 2017
1 S.RASATHI ... PETITIONER in WP No.11747 of 2017

.. Versus ..

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.11736 to 11747 of 2017

- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI SOUTH AT THIRUVANNAMALAI.
... 3rd RESPONDENT in WP No.11736 of 2017
- 3 THE DISTRICT FOREST OFFICER
VILLUPURAM.
... 3rd RESPONDENT in WP No.11737 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI SOUTH DIVISION
THIRUVANNAMAALI.
... 3rd RESPONDENT in WP No.11738 of 2017
- 3 THE ASSISTANT CONSERVATOR OF
FOREST FOREST PROTECTION SQUAD VELLORE 4.
... 3rd RESPONDENT in WP No.11739 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI NORTH POLUR.
... 3rd RESPONDENT in WP No.11740 of 2017
- 3 THE DISTRICT FOREST OFFICER
ATTUR.
... 3rd RESPONDENT in WP No.11741 of 2017
- 3 THE DISTRICT FOREST OFFICER
VELLORE.
... 3rd RESPONDENT in WP No.11742 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUPATHUR VELLORE DISTRICT.
... 3rd RESPONDENT in WP No.11743,11744,11745 of 2017
- 3 THE DISTRICT FOREST OFFICER
HARUR DIVISION AT HARUR DHARMAPURI DISTRICT.
... 3rd RESPONDENT in WP No.11746 of 2017
- 3 THE DISTRICT FOREST OFFICER
COIMBATORE.
... 3rd RESPONDENT in WP No.11747 of 2017

WP No.11736 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis

from 01.04.1981 till 03.09.2003 along with the regular service rendered by him as Forest Watcher as well as Forest Guard from 04.09.2003 to 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.

WP No.11737 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 10.01.1981 till 06.08.2009 along with the regular service rendered by him as Plot Watcher(Super numerary Post) from 07.08.2009 to till the date of his retirement namely 31.07.2010 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11738 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.09.1986 till 06.08.2009 along with the regular service rendered by him as Plot Watcher(Super numerary Post) from 07.08.2009 to till the date of his retirement namely 31.01.2010 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11739 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 05.01.1983 till 13.03.2008 along with the regular service rendered by him as Forest Watcher from 14.03.2008 to till the date of his retirement namely 31.07.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11740 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.06.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post), Forest

Watcher and Forest Guard from 07.08.2009 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.11741 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioners husband as Plot Watcher on daily wage basis from 01.06.1982 till 25.8.2015 along with the regular service rendered by him as Forest Watcher from 26.8.2005 till the date of prior to his death on 29.11.2010, 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.

WP No.11742 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents 1 to 3 to count half of the service rendered by the petitioners husband as Plot Watcher on daily wage basis from 01.11.1981 till 06.08.2009 along with the regular service rendered by him as Plot Watcher and Forest Watcher from 07.08.2009 till the date of prior to his death on 14.12.2015, 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.

WP No.11743 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 14.04.1976 till 30.07.2012 along with the regular service rendered by him as Plot Watcher (Supernumerary Post), from 31.07.2012 till the date of his retirement namely 31.12.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11744 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1979 till 06.11.2003 along with the regular service

rendered by him as Forest Watcher and Forest Guard from 07.11.2003 till the date of his retirement namely 31.03.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11745 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.02.1981 till 23.01.1995 along with the regular service rendered by him as Forest Watcher as well as promoted as Forest Guard from 24.1.1995 to till the date of his retirement namely 31.03.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11746 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 14.12.1982 till 09.05.2008 along with the regular service rendered by him as Forest Watcher as well as promoted as Forest Guard from 10.05.2008 to till the date of his retirement namely 31.03.2017 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11747 of 2017

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the Respondents to count half of the service rendered by the petitioners husband as Plot Watcher on daily wage basis from 15.12.1980 till 27.04.2003 along with his regular service as Forest Watcher and Forest Guard from 28.04.2003 till the date of prior to his death on 15.06.2010 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)

COMMON ORDER

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 Watcher/Forest Watchers 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

sd

To

- 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
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- 8 THE DISTRICT FOREST OFFICER
ATTUR.

9 THE DISTRICT FOREST OFFICER
VELLORE.

10 THE DISTRICT FOREST OFFICER
THIRUPATHUR VELLORE DISTRICT.

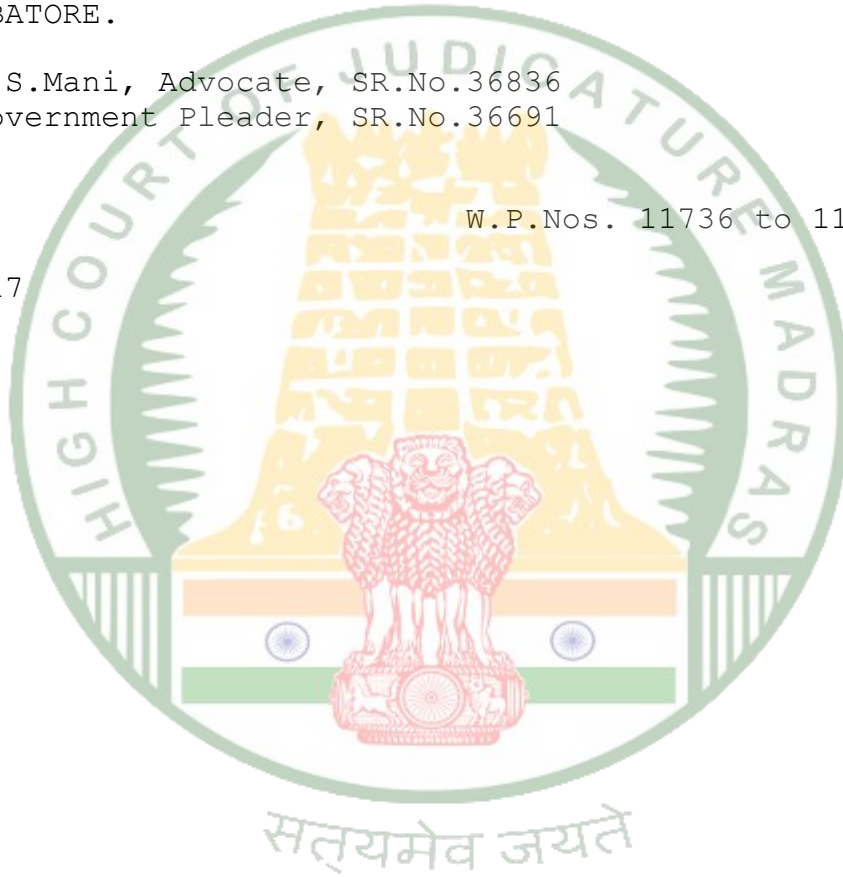
11 THE DISTRICT FOREST OFFICER
HARUR DIVISION AT HARUR DHARMAPURI DISTRICT.

12 THE DISTRICT FOREST OFFICER
COIMBATORE.

+12ccs to S.Mani, Advocate, SR.No.36836
+1cc to Government Pleader, SR.No.36691

W.P.Nos. 11736 to 11747 of 2017

CS/15/06/17



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