

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P. Nos. 11748 to 11756 of 2017

1 V.KULANDAI ... PETITIONER in WP No.11748 of 2017

1 T.CHINNATHAMBI ... PETITIONER in WP No.11749 of 2017

1 M.MUNINANJAPPA ... PETITIONER in WP No.11750 of 2017

1 V.ELLAPPA ... PETITIONER in WP No.11751 of 2017

1 S.RAJAGOPAL ... PETITIONER in WP No.11752 of 2017

1 A.VELU ... PETITIONER in WP No.11753 of 2017

1 T.M.BABU ... PETITIONER in WP No.11754 of 2017

1 S.SADASIVAM ... PETITIONER in WP No.11755 of 2017

1 S.KASINATHAN ... PETITIONER in WP No.11756 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  
CONSERVATOR 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.

... 1,2,4<sup>th</sup> RESPONDENT  
in WP No.11748 to 11756 of 2017

3 THE DEPUTY DIRECTOR /  
ARIGNAR ANNA ZOOLIGICAL PARK VANDALLOOR  
CHENNAI - 48.

... 3<sup>rd</sup> RESPONDENT in  
WP No.11748 of 2017

3 THE DISTRICT FOREST OFFICER  
THIRUPATTHUR VELLORE DISTRICT.

... 3<sup>rd</sup> RESPONDENT in  
WP No.11749 of 2017

3 THE DISTRICT FOREST OFFICER  
INTERFACE FOREST DIVISION KRISHNAGIRI.

... 3<sup>rd</sup> RESPONDENT in  
WP No.11750 and 11751 of 2017

3 THE DIVISIONAL FOREST OFFICER  
SOCIAL FORESTRY DIVISION TIRUCHIRAPALLI.

... 3<sup>rd</sup> RESPONDENT in  
WP No.11752 of 2017

3 THE DISTRICT FOREST OFFICER  
THIRUVANNMALAI NORTH DIVISION POLUR  
THIRUVANNAMALAI DISTRICT.

... 3<sup>rd</sup> RESPONDENT in WP No.11753 of 2017

3 THE DISTRICT FOREST OFFICER  
THIRUPATHUR VELLORE DISTRICT.

... 3<sup>rd</sup> RESPONDENT in WP No.11754 of 2017

3 THE DISTRICT FOREST OFFICER  
THIRUVANNAMALAI SOUTH DIVISION AT  
THIRUVANNAMALAI.

... 3<sup>rd</sup> RESPONDENT in WP No.11755 of 2017

3 THE DISTRICT FOREST OFFICER  
THIRUVANNAMALAI NORTH DIVISION AT POLUR

... 3<sup>rd</sup> RESPONDENT in WP No.11756 of 2017

WP No.11748 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 01.12.1975 till 08.10.2010 along with the regular service rendered by him as Mali from 09.10.2010 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.11749 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 09.04.1983 till 29.07.2012 along with the regular service rendered by him as Plot Watcher ( Supernumerary Post) from 30.07.2012 to till the date of his retirement namely 28.02.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11750 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 01.06.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher ( Supernumerary Post) from 07.08.2009 to till the date of his retirement namely 31.03.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11751 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 01.02.1987 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) from 07.08.2009 to till the date of his retirement namely 31.03.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11752 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 01.08.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher ( Supernumerary Post) from 07.08.2009 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.11753 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 01.01.1980 till 10.02.2016 along with the regular service rendered by him as Forest Watcher from 11.02.2016 to till the date of his retirement namely 30.04.2016 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11754 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 01.12.1984 till 06.08.2009 along with the regular service rendered by him as Forest Watcher from 07.08.2009 to till the date of his retirement namely 31.01.2013 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits

WP No.11755 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 01.06.1976 till 22.07.2009 along with the regular service rendered by him as Forest Watcher from 23.07.2009 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.11756 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 14.07.1981 till 16.10.2003 along with the regular service rendered by him as Forest Watcher from 17.10.2003 to till the date of his retirement namely 31.07.2013 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 Mali/Plot Watcher on daily wage basis along with the regular service rendered by them as Plot Watcher (Supernumerary post)/Forest Watcher 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/-  
Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

sd

To

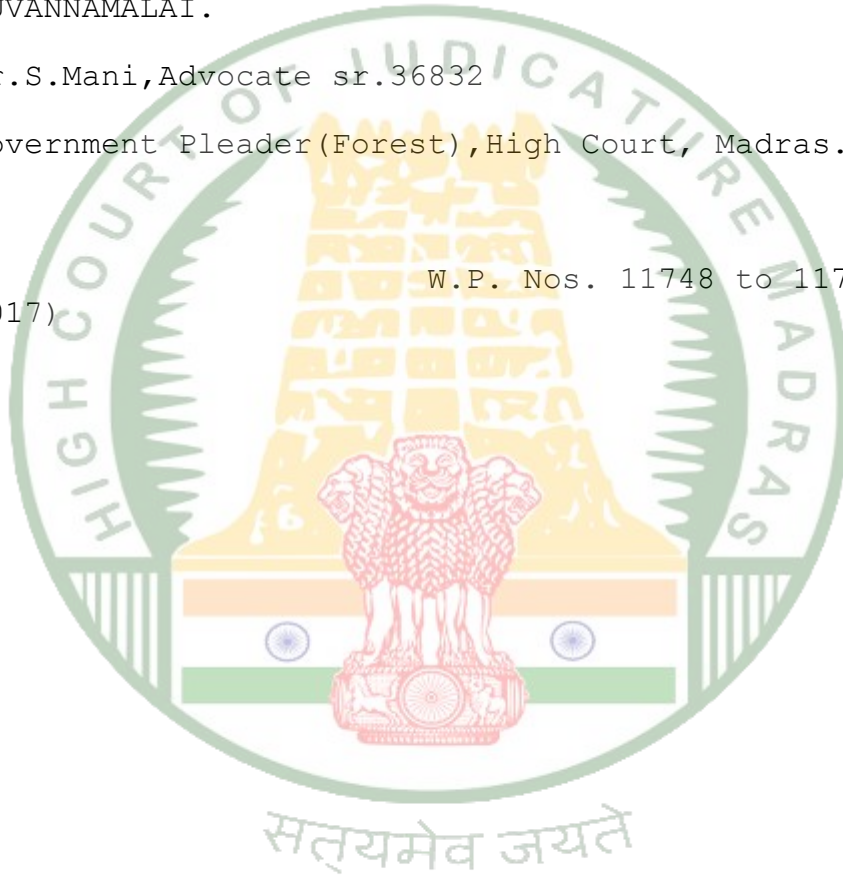
1. Government of Tamil Nadu  
Rep. by its Secretary,  
Environment & Forest Department,  
Fort St.George,  
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest  
having office at Panagal Building,  
Saidapet, Chennai - 600 015.
3. The Deputy Director,  
Arignar Anna Zoological Park,  
Vandaloor, Chennai - 48.
4. The Accountant General of TamilNadu,  
Office at DMS Compound,  
Teynampet, Chennai - 600 018.
5. THE DISTRICT FOREST OFFICER  
THIRUPATTHUR VELLORE DISTRICT.

6. THE DISTRICT FOREST OFFICER  
INTERFACE FOREST DIVISION KRISHNAGIRI.
7. THE DIVISIONAL FOREST OFFICER  
SOCIAL FORESTRY DIVISION TIRUCHIRAPALLI.
8. THE DISTRICT FOREST OFFICER  
THIRUVANNMALAI NORTH DIVISION POLUR  
THIRUVANNAMALAI DISTRICT.
9. THE DISTRICT FOREST OFFICER  
THIRUVANNAMALAI SOUTH DIVISION AT  
THIRUVANNAMALAI.

+9cc to Mr.S.Mani,Advocate sr.36832

+1cc to Government Pleader(Forest),High Court, Madras.sr.36690

W.P. Nos. 11748 to 11756 of 2017  
ss(14/6/2017)



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