

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.Nos. 11757 to 11766 of 2017

1 A.MANI ... PETITIONER in WP No.11757 of 2017
1 T.K.RUDRAPPAN ... PETITIONER in WP No.11758 of 2017
1 S.ANTHONYSAMY ... PETITIONER in WP No.11759 of 2017
1 B.RAMASAMY ... PETITIONER in WP No.11760 of 2017
1 P.PADMAVATHI ... PETITIONER in WP No.11761 of 2017
1 V.VIJAYALAKSHMI ... PETITIONER in WP No.11762 of 2017
1 R.V.AMBIKA ... PETITIONER in WP No.11763 of 2017
1 C.GOPAL ... PETITIONER in WP No.11764 of 2017
1 D.R.SUBRAMANIAN ... PETITIONER in WP No.11765 of 2017
1 R.RAJENDRAN ... PETITIONER in WP No.11766 of 2017

vs

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 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.11757
to 11766 of 2017

- 3 THE DISTRICT FOREST OFFICER
THIRUVANNAMALAI SOUTH DIVISION
THIRUVANNAMALAI
... 3rd RESPONDENT in WP No.11757 of 2017
and W.P.11761 of 2017
- 3 THE DISTRICT FOREST OFFICER
HOSUR DIVISION DHARMAPURI
... 3rd RESPONDENT in WP No.11758 of 2017
- 3 THE DISTRICT FOREST OFFICER
CUM DEPUTY DIRECTOR ASANOOR DIVISION TIGER
RESERVE FOREST SATHIYAMANGALAM ERODE
... 3rd RESPONDENT in WP No.11759 of 2017
- 3 THE DEPUTY DIRECTOR/ WILD
LIFE WARDEN TIGER RESERVE FOREST
AMBASAMUDARAM TIRUNELVELI
... 3rd RESPONDENT in WP No.11760 of 2017
- 3 THE DISTRICT FOREST OFFICER
VELLORE
... 3rd RESPONDENT in WP No.11762 of 2017
- 3 THE DISTRICT FOREST OFFICER
MADURAI
... 3rd RESPONDENT in WP No.11763 of 2017
- 3 THE DISTRICT FOREST OFFICER
SOCIAL FORESTRY DIVISION VELLORE-9
... 3rd RESPONDENT in WP No.11764 of 2017
- 3 THE DISTRICT FOREST OFFICER
THIRUPATHUR VELLORE DISTRICT
... 3rd RESPONDENT in WP No.11765 of 2017
- 3 THE DISTRICT FOREST OFFICER
SRIVILLIPUTHUR VIRUDHUNAGAR DISTRICT
... 3rd RESPONDENT in WP No.11766 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.11757 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.06.1982 till 09.09.2005 along with the regular service rendered by him as Forest Watcher from 10.09.2009 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.11758 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.05.1982 till 23.01.2005 along with the regular service rendered by him as Forest Watcher and Forest Guard from 24.01.2005 to till the date of his retirement namely 31.05.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11759 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.04.1983 to 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 31.12.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11760 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1982 till 08.07.2004 along with the regular service rendered by him as Forest Watcher from 09.07.2004 to till the date of his retirement namely 31.05.2014 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11761 of 2017:

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 11.11.1980 till 29.04.2012 along with his regular service as Forest Watcher from 30.04.2012 to till the date of prior to his death on 27.10.2014, 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.11762 of 2017:

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 01.05.1983 till 06.08.2009 along with his regular service as Plot Watcher (Supernumerary Post) from 07.08.2009 to till the date of Prior to his death on 02.07.2014 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.11763 of 2017:

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 01.04.1981 till 19.09.2003 along with his regular service as Forest Watcher from 20.09.2003 till the date of prior to his death on 29.12.2009 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.11764 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.01.1986 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 31.05.2016 as qualifying service, send the revised proposal to the 4th Respondent, grant pension to the petitioner with all consequential monetary benefits.

WP No.11765 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.11.1982 till 05.01.2007 along with the regular service rendered by him as Forest Watcher as well as from Forest Guard from 06.01.2007 to 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.11766 of 2017:

directing the Respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 06.03.1985 to 08.04.2012 along with the regular service rendered by him as Forest Watcher from 09.04.2012 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.

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 Watcher on daily wage basis along with the regular service rendered by them as Plot Watcher (Supernumerary post)/ 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. सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 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 OFF. AT PANAGAL
BUILDING SAIDAPET CHENNAI 600 015.
- 3 THE ACCOUNTANT GENERAL OF
TAMIL NADU, OFFICE AT DMS COMPOUND,
TEYNAMPET, CHENNAI 600 018.
- 4 THE DISTRICT FOREST OFFICER,
THIRUVANNAMALAI SOUTH DIVISION,
THIRUVANNAMALAI.
- 5 THE DISTRICT FOREST OFFICER,
HOSUR, DIVISION DHARMAPURI.
- 6 THE DISTRICT FOREST OFFICER,
CUM DEPUTY DIRECTOR ASANOOR DIVISION TIGER
RESERVE FOREST, SATHIYAMANGALAM, ERODE.
- 7 THE DEPUTY DIRECTOR/ WILD
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AMBASAMUDARAM TIRUNELVELI
- 8 THE DISTRICT FOREST OFFICER,
VELLORE.
- 9 THE DISTRICT FOREST OFFICER,
MADURAI.
- 10 THE DISTRICT FOREST OFFICER,
SOCIAL FORESTRY DIVISION, VELLORE-9.
- 11 THE DISTRICT FOREST OFFICER,
THIRUPATHUR, VELLORE DISTRICT.
- 12 THE DISTRICT FOREST OFFICER,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

+10 cc to Mr.S.Mani, Advocate Sr.36835
+1cc to the Government Pleader Sr.36689

W.P.Nos. 11757 to 11766 of 2017

srg 16/06/2017