

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.12800 to 12804 of 2017

M.Velayutham

... Petitioner in
W.P.12800/2017

B.Thilagam

... Petitioner in
W.P.12801/2017

M.Sounder Rajan

... Petitioner in
W.P.12802/2017

E.Kalrayan

... Petitioner in
W.P.12803/2017

M.Meenakshi

... Petitioner in
W.P.12804/2017

Vs.

The Government of Tamil Nadu,
rep. by its Secretary,
Environment & Forest Department,
Fort St. George,
Chennai - 600 009.

The Principal Chief Conservation of Forest
having office at Panagal Building,
Saidapet, Chennai - 600 015.

... Respondent Nos.
1 & 2 in all WPs.

The District Forest Officer,
Villupuram.

... Respondent No.3
in W.P.No.12800/2017 &
W.P.No.12803/2017

The District Forest Officer,
Sathiamangalam, Erode Circle.

... Respondent No.3
in W.P.No.12801/2017

The Conservator of Forest cum
Field Director,
Mudumalai Tiger Reserve Forest,
Udagamandalam, Nilgiris.

... Respondent No.3
in W.P.No.12802/2017

The District Forest Officer,
Hosur, Dharmapuri.

... Respondent No.3
in W.P.No.12804/2017

The Accountant General of Tamil Nadu,
office at DMS Compound,
Teynampet, Chennai - 600 018.

... Respondent No.4 in
all WPs.

Prayer : W.P.No.12800 of 2017 filed under Article 226 of the Constitution of India, seeking for 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 02.07.1983 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 30.04.2017 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer : W.P.No.12801 of 2017 filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner's 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 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.

Prayer : W.P.No.12802 of 2017 filed under Article 226 of the Constitution of India, seeking for 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 01.02.1986 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 30.06.2017 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer : W.P.No.12803 of 2017 filed under Article 226 of the

Constitution of India, seeking for 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 01.08.1986 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 30.06.2017 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

Prayer : W.P.No.12804 of 2017 filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner's husband as Plot Watcher on daily wage basis from 01.12.1980 till 04.03.2003 along with his regular service as Forest Watcher from 04.03.2003 till the date of prior to his death on 17.08.2004, 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 the petitions: Mr.S.Mani
For Respondents: Mr.N.Inbanathan
Govt. Advocate (Forest)
for respondents 1 to 3
Mr.Vijaya Shankar
for 4th respondent

COMMON ORDER

The petitioners have come up with the above writ petitions seeking Writ of Mandamus, directing the respondents to count half of the service rendered by the petitioners in W.P.Nos.12800, 12802 & 12803 of 2017 and the husband of the petitioners in W.P.Nos.12801 & 12804 of 2017 prior to their regularisation for the purpose of grant of pensionary benefits.

2. Heard Mr.S.Mani, learned counsel for the petitioners, Mr.N.Inabanathan, learned Government Advocate (Forest) for respondents 1 to 3 and Mr.Vijaya Shankar, learned counsel for the fourth respondent.

3. It is admitted on both sides that the issue raised in these writ petitions is covered by the decision in W.P.No.8205 of 2011 dated 19.04.2011 and W.P.No.13832 of 2011 dated 29.06.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common judgment dated

13.02.2012. The Special Leave Petitions filed by the State against these judgments in S.L.P. (Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.05.2012.

4. Therefore the writ petitions are allowed on the same lines, as the above writ petitions were allowed. The orders shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

- 1.The 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.
- 3.The District Forest Officer, Villupuram.
- 4.The District Forest Officer,
Sathiamangalam, Erode Circle.
- 5.The Conservator of Forest cum Field Director,
Mudumalai Tiger Reserve Forest,
Udagamandalam, Nilgiris.
- 6.The District Forest Officer,
Hosur, Dharmapuri.
- 7.The Accountant General of Tamil Nadu,
office at DMS Compound,
Teynampet, Chennai - 600 018.

+5cc to Mr.S.Mani, Advocate, S.R.No.37638
+1cc to the Government Pleader, S.R.No.37590

W.P. Nos.12800 to 12804 of 2017

PA(CO)
RS(26/05/2017)