

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.13278 & 13279 of 2017

E.Lakshmanan ... Petitioner in W.P.No.13278 of 2017

S.Ganapathy ... Petitioner in W.P.No.13279 of 2017

vs.

1 The State of Tamil Nadu
Rep. by its Secretary to Government
Environment & Forest Department
Fort St. George, Chennai 600 009.
... 1st respondent in both W.Ps.

2 The Principal Chief Conservation of Forest
Panagal Building
Saidapet Chennai 600 015.
... 2nd Respondent in both W.Ps.

3 The District Forest Officer
Villupuram Forestry Division
Villupuram.
... 3rd respondent in W.P.No.13278 of 2017

4 The District Forest Officer
Cuddalore Forest Division
Cuddalore.
... 3rd respondent in W.P.No.13279 of 2017

5 The Principal Accountant General of
Tamil Nadu Office
Teynampet Chennai 600 018.
... 4th Respondent in both W.Ps.

PRAYER IN WP.No.13278 of 2017: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1 to 3 respondents to count half of the service rendered by the petitioner as Plot Watcher from 01.01.1983 to 13.05.2008, on temporary basis along with the regular service from 14.08.2008, till the date of retirement on 31.12.2016, as qualified service for the purpose of conferment of pension and to direct the respondents to send the pension

proposal including family pension, Gratuity and Commuted Value of Pension to the fourth respondent to authorize the same with all consequential benefits.

PRAYER IN WP.No.13279 of 2017: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1 to 3 respondents to count half of the service rendered by the petitioner as Plot Watcher from 02.05.1979 to 06.08.2009, on temporary basis along with the regular service from 07.08.2009, till the date of retirement on 28.02.2017, as qualified service for the purpose of conferment of pension and to direct the respondents to send the pension proposal including family pension, Gratuity and Commuted Value of Pension to the fourth respondent to authorize the same with all consequential benefits.

For Petitioners : Mrs. K.Jenitha

For Respondents : Mr.R.Rajeswaran ,
Spl.Government Pleader

C O M M O N O R D E R

Heard Mrs. K.Jenitha, learned counsel appearing for the petitioners and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for respondents. With the consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2.The Writ Petition in W.P.No.13278 of 2017 has been filed for a mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher from 01.01.1983 to 13.05.2008, on temporary basis along with the regular service from 14.08.2008, till the date of retirement on 31.12.2016, as qualified service for the purpose of conferment of pension and to direct the respondents to send the pension proposal including family pension, Gratuity and Commuted Value of Pension to the fourth respondent to authorize the same with all consequential benefits.

3.The writ petition in W.P.No.13279 of 2017 has been filed for a mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher from 02.05.1979 to 06.08.2009, on temporary basis along with the regular service from 07.08.2009, till the date of retirement on 28.02.2017, as qualified service for the purpose of conferment of pension and to direct the respondents to send the pension proposal including family pension, Gratuity and Commuted Value of Pension to the fourth respondent to authorize the same with all consequential benefits.

4. It is admitted by the learned counsel appearing on either sides that the issue raised in the present writ petitions is covered by the decision of this Court made in W.P.No.8205 of 2011, dated 19.4.2011 and W.P.No.13832 of 2011, dated 29.6.2011 and were confirmed by the Hon'ble Division Bench in W.A.Nos.27 and 28 of 2012, by a common Judgment, dated 13.2.2012. The Special Leave Petitions filed by the State against those Judgments in S.L.P (Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.5.2012.

5. Therefore, both the Writ Petitions are allowed on the same lines, as the above referred writ petitions were allowed, enabling the respondents to count half of the service rendered by the petitioners as qualified service so as to confer pension etc., and pass necessary orders. Such orders shall be passed and implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary to Government,
The Government Environment & Forest Department
Fort St. George, Chennai 600 009.
- 2 The Principal Chief Conservation of Forest
Panagal Building, Saidapet Chennai 600 015.
- 3 The District Forest Officer
Villupuram Forestry Division, Villupuram.
- 4 The District Forest Officer
Cuddalore Forest Division, Cuddalore.
- 5 The Principal Accountant General of
Tamil Nadu Office
Teynampet Chennai 600 018.

+1cc to M/s.K.Jenitha, Advocate in Sr.No.38107

+1cc to Special Government Pleader(Forest) in Sr.No.37935

+1cc to M/S K.Jenitha, Advocate in Sr.no.38109(20/06/2017)

W.P.Nos.13278 &
13279 of 2017

KJ(CO)
NR(13/05/2017)