

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.1948 of 2017

N.Annamalai

Petitioner

..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
Head of Forest Force,
No.1, Jeenis Road, Panagal Building,
Saidapet, Chennai - 600 015.
- 3 The District Forest Officer,
Hosur Forest Division,
Hosur - 635 110,
Krishnagiri District.
- .
4. The Accountant General of TamilNadu,
Office at Accountant General,
Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

PRAYER

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 from 11.10.1986 to 06.08.2009, along with the regular service rendered by him as Plot Watcher in the supernumerary post and Forest Watcher on from 07.08.2009 to 30.09.2006, as qualifying service for pensionary benefits, and send the proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioners in all W.Ps. : Mr..M.R.Jothimanian

For Respondents in all W.Ps. : Mr.N.Inbanathan,
Government Advocate (Forest)

COMMON ORDER

By consent, the main Writ Petition is taken up for final disposal.

2. The petitioner has 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 him as Plot Watcher on daily wage basis along with the regular service rendered by him as Plot Watcher (Supernumerary post)/Forest Watcher till the date of his

retirement as qualifying service and send the proposal to the fourth respondent, for grant of pension to him with all consequential monetary benefits.

3. Today, when the case came up for admission, the learned counsel appearing for the petitioner has submitted that the issue involved in the Writ Petition 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 Petition may also be allowed.

4. The learned Government Advocate (Forest), who accepts notice on behalf of the respondents has fairly conceded that the issue involved in the Writ Petition 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 petitioner.

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 Petition is also allowed. Consequently, the respondents 1 to 3 are directed to count half of the service rendered by the petitioner on daily wages basis along with regular service rendered by him 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.

05.05.2017

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Index : yes/no

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 District Forest Officer,
Thiruvannamalai South Division,
Thiruvannamalai
4. The Accountant General of TamilNadu,
Office at DMS Compound,
Teynampet, Chennai - 600 018.

V.PARTHIBAN.,J.,

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