



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.04.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A.(MD) No.437 of 2017 &  
C.M.P.(MD) .No.4064 of 2017

1. The State of Tamil nadu  
Represented by its Secretary,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-09.
2. The Principal Chief Conservator of Forest,  
Panagal Buildings,  
Saidapet, Chennai.
3. The District Forest Officer,  
Kodaikanal Division,  
Kodaikanal.
4. The Forest Range Officer,  
Devadhanapatti Forest Range,  
Devadhanapatti. ... Appellants/Respondents Nos 1 to 4

**Vs.**

- 1.P.Karuppannan ... 1<sup>st</sup> Respondent/ Petitioner
2. The Principal Accountant General Officer,  
Accountant General Office,  
Chennai. ... 2<sup>nd</sup> Respondent/5<sup>th</sup> Respondent

**PRAYER:** Writ Appeal is filed under Clause 15 of Letters Patent Act against the order dated 08.11.2016, made in W.P.(MD).No.21332 of 2016.

Prayer in WP(MD). 21332/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption on 7.8.2009 along with the regular service from 7.8.2009 to 31.3.2016 in the qualifying service and send the revised pension proposal to the



5th respondent and to further direct the 5th respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Honble Court.

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For Appellants : Mr.S.Chandrasekar  
Government Advocate  
Mr.N.Sudalaimuthu for R1  
Mr.P.Gunasekaran for R2

### JUDGMENT

**[Judgment of the Court was delivered by T.S.SIVAGNANAM,J]**

Heard Mr.S.Chandrasekar, learned Government Advocate for the appellants, Mr.N.Sudalaimuthu learned counsel for the first respondent/writ petitioner and Mr.P.Gunasekaran, learned counsel for the second respondent. By consent, the writ appeal itself is taken up for final disposal.

2.This appeal by the Government and the officials of the Forest Department, is directed against the order in W.P.(MD). No.21332 of 2016, dated 08.11.2016. The said writ petition was filed by the first respondent herein for a direction to the appellants to count half of the service rendered by him before their absorption on 07.08.2009 along with the regular service from 07.08.2009 to 31.03.2016 as qualifying service and send the revised pension proposal to the second respondent herein to sanction the eligible pension and all other terminal benefits.

3. The writ Court after taking into consideration the decision of the Division Bench of this Court in **M.Kalimuthu v. The Government of Tamil Nadu rep. by its Secretary, Forest and Environment Department, Chennai-600 009**, which judgment was affirmed by the Honourable Supreme Court in **S.L.P. Nos.16119 - 16120 and 14838 - 14839** and the first appellant also implemented the orders in G.O.(Ms) No.183 Environment and Forests (FR-2) Department, dated 18.07.2012 and the decision of the case in **P.Chinniyar v. State of Tamil Nadu, rep by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai-600 009 and others** reported in (2014) 6 MLJ 316, allowed the writ petition.

4. After hearing the learned counsel on either side and perusing the materials placed on record, we are of the view that the learned Single Judge is justified in allowing the writ petition in the light of the judgment of the Honourable Division Bench in the case of **M.Kalimuthu, (cited supra)**, which was also confirmed by the Hon'ble Supreme Court. In the light of the same, there is no grounds made out to interfere with the order impugned.



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The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

**To**

1. The Secretary,  
State of Tamil nadu  
+Forest and Environment (FR-2) Department,  
Secretariat, Chennai-09.
  2. The Principal Chief Conservator of Forest,  
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Saidapet, Chennai.
  3. The District Forest Officer,  
Kodaikanal Division,  
Kodaikanal.
  4. The Forest Range Officer,  
Devadhanapatti Forest Range,  
Devadhanapatti.
  5. The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.
- + 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 54260

JIKR  
TE/SV : 05/05/2017 : 3P/7C

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