



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

W.A. (MD) No.438 of 2017 &

C.M.P. (MD) .No.4065 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.Field Director/Chief Conservator of Forest,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Tirunelveli.
- 4.Deputy Director/Wildlife Warden,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.
- 5.The Forest Range Officer,
Kadayam Range,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.

...Appellants/Respondents Nos 1 to 5

Vs.

- 1.M.Subramanian ... 1st Respondent/ Writ Petitioner
- 2.The Principal Accountant General Officer,
Accountant General Office,
Chennai. ... 2nd Respondent/6th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent

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Service to be made the order dated 03.10.2016, made in W.P.(MD).
No.7625 of 2016.



Prayer in WP(MD). 7625/ 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 5 to count half of the service of the petitioner before his absorption on 21.07.2004 along with the regular service from 21.7.2004 to 30.11.2010 in the qualifying service (Forest Reserve Watcher) and send the revised pension proposal to the 6th respondent and to further direct the 6th respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Honourable Court.

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.7625 of 2016, dated 03.10.2016. 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 21.07.2004 along with the regular service from 21.07.2004 to 30.11.2010 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.Chinnian 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.

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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. 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 State of Tamil nadu
Represented by its Secretary,
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- 5.The Forest Range Officer,
Kadayam Range,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.
- 6.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

+1cc to Mr.P.GUNA SEKARAN Advocate in SR. No.54259

JIKR

JS/SV.MMS/3P-8C/5.05.2017

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C.M.P. (MD) .No.4065 of 2017
24.04.2017