



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)Nos.3598 to 3601 of 2017 and 3603 to 3605 of 2017
and

W.M.P(MD)No.2908 of 2017

G.VISWANATHAN	... PETITIONER in WP(MD) No.3598 of 2017
S.RAJENDRAN	... PETITIONER in WP(MD) No.3599 of 2017
E.THILLAI NATARAJAN	... PETITIONER in WP(MD) No.3600 of 2017
C.PUNNAIVANAM	... PETITIONER in WP(MD) No.3601 of 2017
RAMASAMY	... PETITIONER in WP(MD) No.3603 of 2017
A.MUNIYASAMY	... PETITIONER in WP(MD) No.3604 of 2017
A.PERIYASAMY	... PETITIONER in WP(MD) No.3605 of 2017

-VS-

THE GOVERNMENT OF TAMIL NADU
REP. BY SECRETARY TO GOVERNMENT FOREST AND
ENVIRONMENT DEPARTMENT FORT ST.GEORGE
CHENNAI - 9.

PRINCIPAL CHIEF CONSERVATOR OF FORESTS
PANAGAL BUILDING SAIDAPET
CHENNAI - 15. .. RESPONDENTS 1 AND 2 IN ALL THE CASES

DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, TIRUNELVELI,
TIRUNELVELI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3598/2017

DISTRICT FOREST OFFICER,
DISTRICT FOREST OFFICE, THENI,
THENI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3599/2017

DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, NORTH MAIN ROAD,
NGO 'A' COLONY,
TIRUNELVELI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3600/2017

DISTRICT FOREST OFFICER
DISTRICT FOREST OFFICE,
NORTH MAIN ROAD, NGO 'B' COLONY,
TIRUNELVELI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3601/2017



THE DISTRICT FOREST OFFICER
DISTRICT FOREST OFFICE, THOOTHUKUDI
THOOTHUKUDI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3603/2017

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THE DISTRICT FOREST OFFICER,
DISTRICT FOREST OFFICE, THOOTHUKUDI,
THOOTHUKUDI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3604/2017

THE FOREST EXTENTION OFFICER,
FOREST EXTENTION CCENTER, PASUMALAI,
MADURAI DISTRICT. ..3RD RESPONDENT IN WP(MD)NO.3605/2017

THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU TEYNAMPET,
CHENNAI - 18. ... 4th RESPONDENT IN ALL THE CASES

Prayer in WP(MD) No.3598 of 2017:

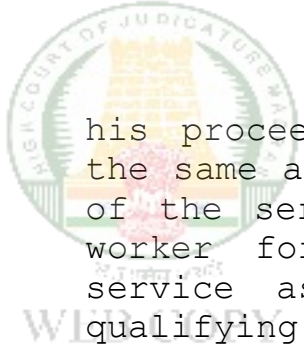
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent herein in his Proceedings in Na.Ka.No.2156/16/Pa2 Dated 25.07.2016 quash the same and direct the Respondents from 1 to 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 12.04.1983 to 06.08.2009 along with the regular service rendered as forest Watcher from 07.08.2009 to 31.05.2013 as a qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3599 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent herein in his proceedings in O.Mu.Number 7666/2016 ka.dated 24.10.2016 quash the same and direct the Respondents from 1 to 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 01.10.1981 to 27.11.2003 along with the regular service as Plot Watcher from 27.11.2003 to 31.10.2015 as a qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3600 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent herein in



his proceedings in Na.Ka.No. 2115/16-tha Dated 22.06.2016 quash the same and direct the respondents from 1 to 3 to count the half of the service rendered by the petitioner as a social forestry worker from 18.05.1983 to 07.01.2014 along with the regular service as Plot Watcher from 07.01.2014 to 31.05.2014 as a qualifying service and send the revised pension proposal to the 4th respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3601 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent herein in his Proceedings in Na.Ka.No.2715/15-Tha Dated 25.07.2016 quash the same and to direct the Respondents from 1 to 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 12.04.1983 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.05.2013 as a qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3603 of 2017:

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 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 01.04.1985 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.01.2013 as a qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3604 of 2017:

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 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 16.11.1986 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.06.2011 as a qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

Prayer in WP(MD) No.3605 of 2017:

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 3, to Count the half of the service rendered by the petitioner as a social forestry worker from 02.01.1980 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.04.2014 as qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner : Mr.G.Chandrasekar in all the cases

For R1 to R3 : Mr.S.Sathish Kumar
Additional Government Pleader
in all the cases

For R4 : Mr.P.Gunasekaran
in all the cases

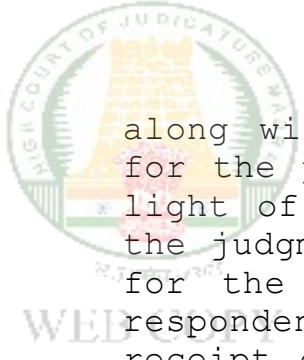
COMMON ORDER

The grievance of the petitioners in all these writ petitions is that 50% of the services rendered by them on daily wages ought to have been counted along with the regular service for the purpose of pension.

2.The petitioners relied upon a decision of this Court in W.P (MD)Nos.24688 to 24695 of 2016 dated 22.12.2016, wherein, this Court has held as follows:-

'2.The grievance of the petitioners is that 50% of the services rendered by them prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. The petitioners have relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 (Government of Tamil Nadu rep. by its Secretary to Government Vs. M.Gopal), which was confirmed by the Hon'ble Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, in P.Chinniyar Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316, this Court has given a direction to count 50% of service rendered before regularisation.

3.Following the abovesaid orders, these writ petitions are disposed of directing the respondents 1 to 3 to count 50% of service rendered by the petitioners before regularization



along with the service rendered by them after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the judgments referred to above and send the revised proposals for the terminal benefits for authorization before the 4th respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorize the same within a period of two weeks, thereafter. No costs.'

3.The respondents are directed to consider the claim of the petitioners in terms of the order made in W.P(MD)Nos.24688 to 24695 of 2016 dated 22.12.2016, if the said decision is applicable to them and pass appropriate orders, if the petitioners are otherwise eligible and if there are no legal impediments and also communicate the decision to the petitioners within a period of two months from the date of receipt of a copy of this order.

With the above direction, these Writ Petitions are disposed of. No costs. Consequently, W.M.P(MD)No.2908 of 2017 is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

nbi

To

1 THE SECRETARY TO GOVERNMENT,
THE GOVERNMENT OF TAMIL NADU
FOREST AND ENVIRONMENT DEPARTMENT, FORT ST.GEORGE,
CHENNAI - 9.

2 THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
PANAGAL BUILDING SAIDAPET
CHENNAI - 15.

3 THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, TIRUNELVELI,
TIRUNELVELI DISTRICT.

4 THE PRINCIPAL ACCOUNTANT
GENERAL OF TAMIL NADU TEYNAMPET,
CHENNAI - 18.

5 THE DISTRICT FOREST OFFICER,
DISTRICT FOREST OFFICE, THENI,
THENI DISTRICT.



6 DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION, NORTH MAIN ROAD,
NGO 'A' COLONY, TIRUNELVELI DISTRICT.

7 DISTRICT FOREST OFFICER
DISTRICT FOREST OFFICE,
NORTH MAIN ROAD, NGO 'B' COLONY,
TIRUNELVELI DISTRICT.

8 THE DISTRICT FOREST OFFICER
DISTRICT FOREST OFFICE THOOTHUKUDI
THOOTHUKUDI DISTRICT.

9 THE FOREST EXTENTION OFFICER,
FOREST EXTENTION CCENTER, PASUMALAI,
MADURAI DISTRICT.

+7CC to Mr.G.Chandrasekar, Advocate Sr.No.11861 to 11867
+3CC to Mr.P.Gunasekaran, Advocate Sr.No.11836 to 11838

GJM/PM/PN/17.3.17-6p-20c

W.P (MD) Nos.3598 to 3601 of 2017
and 3603 to 3605 of 2017
01.03.2017