



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2017

CORAM:

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THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) Nos.3688 to 3690 of 2017

W.P (MD) No.3688 of 2017

A.Subbiah : Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Buildings,
Saaaidapet, Chennai.
- 3.The Forest Range Officer,
Social Forest Range,
Nanguneri, Tirunelveli District.
- 4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.
- 5.The Principal Accountant General Officer,
Accountant General Office, Chennai.

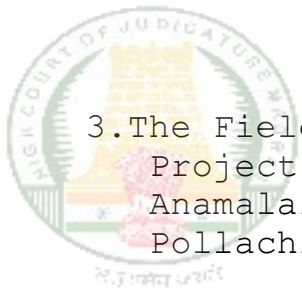
: Respondents

W.P (MD) No.3689 of 2017

Alagar : Petitioner

Vs.

- 1.The State of Tamil Nadu rep. by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saaaidapet, Chennai.



3.The Field Director/Chief Conservator of Forest,
Project Tiger,
Anamalai Tiger Reserve,
Pollachi.

4.The Deputy Director/District Forest Officer,
Project Tiger, Anamalai Tiger Reserve,
Udumalaipettai.

5.The Forest Range Officer,
Udumalai Forest Range,
Anamalai Tiger Reserve,
Udumalaipettai.

6.The Forest Range Officer,
Social Forest Range,
Tenkasi.

7.The Principal Accountant General Officer,
Accountant General Office, Chennai.

: Respondents

W.P(MD)No.3690 of 2017

U.Sivagnanam

: Petitioner

Vs.

1.The State of Tamil Nadu rep. by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forest,
Head of Forest Force,
Panagal Buildings,
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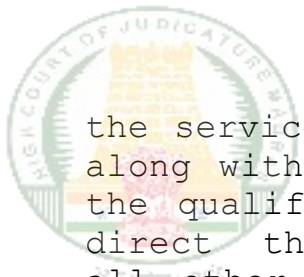
3.The Forest Range Officer,
Social Forest Range,
Sankarankovil, Tirunelveli District.

4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.

5.The Principal Accountant General Officer,
Accountant General Office, Chennai.

: Respondents

PRAYER in W.P(MD)No.3688 of 2017: Writ Petition is filed under
Article 226 of the Constitution of India praying 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 07.08.2009 along with the regular service from 07.08.2009 to 29.2..2016 as the qualifying service(Supernumery Plot Watcher) and further to direct the fifth respondent to sanction the eligible pension and all other terminal benefits within the time stipulated by this Court.

PRAYER in W.P(MD)No.3689 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents from 1 to 6 to count half of the service of the petitioner before his absorption on 07.08.2009 along with the regular service from 07.08.2009 to 31.1.2017 as the qualifying service(Forest Watcher) and further to direct the 7th respondent to sanction the eligible pension and all other terminal/retirement benefits within the time stipulated by this Court.

PRAYER in W.P(MD)No.3690 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying 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 07.08.2009 along with the regular service from 07.08.2009 to 31.1.2017 as the qualifying service(Supernumery Plot Watcher) and further to direct the fifth respondent to sanction the eligible pension and all other terminal/retirement benefits within the time stipulated by this Court.

W.P(MD)Nos.3688 and 3690 of 2017

For Petitioner : Mr.N.Sudalaimuthu

For Respondents 1 to 4: Mr.M.Rajarajan
Government Advocate

For Respondent No.5 : Mr.P.Gunasekaran

W.P(MD)Nos.3689 of 2017

For Petitioner : Mr.N.Sudalaimuthu

For Respondents 1 to 6: Mr.M.Rajarajan
Government Advocate.

For Respondent No.7 : Mr.P.Gunasekaran

O R D E R

W.P(MD)No.3688 of 2017 is filed 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



07.08.2009 along with the regular service from 07.08.2009 to 29.2.2016 as the qualifying service(Supernumery Plot Watcher) and further to direct the fifth respondent to sanction the eligible pension and all other terminal benefits within the time stipulated by this Court.

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2.W.P(MD)No.3689 of 2017 is filed 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 07.08.2009 along with the regular service from 07.08.2009 to 31.1.2017 as the qualifying service(Supernumery Plot Watcher) and further to direct the fifth respondent to sanction the eligible pension and all other terminal benefits within the time stipulated by this Court.

3.W.P(MD)No.3690 of 2017 is filed 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 07.08.2009 along with the regular service from 07.08.2009 to 31.1.2017 as the qualifying service(Supernumery Plot Watcher) and further to direct the fifth respondent to sanction the eligible pension and all other terminal/retirement benefits within the time stipulated by this Court.

4.Heard the learned counsel appearing for the petitioners, the learned Government Advocate, who took notice for the State Government Officials and Mr.P.Gunasekaran, learned counsel who took notice for the Accountant General Office. By consent, the writ petition itself is taken up for final disposal.

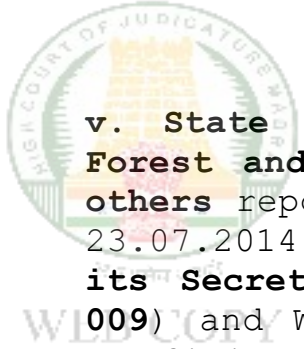
3.The background facts leading to the filing of this writ petition are as follows:

The petitioners were appointed as a Social Forestry Worker in the Tirunelveli Social Forest Range for the period from 7.8.2009 to 31.1.2017 and 7.8.2009 to 29.2.2006 respectively on daily wages basis and monthly consolidated pay. Thereafter, G.O.Ms.No.95, dated 07.08.2009 came to be passed. On completion of ten years of service, the service of the petitioner was regularized from the date of 07.08.2009. Thereafter, they were posted as Plot Watcher. They attained the age of superannuation on 31.1.2017 and 29.2.2016 respectively. After retirement, the petitioners were not given any terminal benefits including the sanctioning of pension. Despite of several representations, there is no response. Therefore, these writ petitions have been filed.

4.The grievance of the petitioners is that 50% of the service rendered by them prior to regularization is not taken into account for the purpose of pension and other benefits, as per Rule 11(2) of Service Rules.

<https://hccs.easamil.org/ndsa-service/>

5.Placing reliance on the orders of this Court in **P.Chinniyan**



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, W.P(MD)No.19159 of 2013 dated 23.07.2014 (**M.Kalimuthu v. The Government of Tamil Nadu rep. by its Secretary, Forest and Environment Department, Chennai - 600 009**) and W.P(MD)No.17483 of 2016 dated 03.10.2016 (**S.Subramanian v. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others**), the learned counsel for the petitioners would point out that 50% of the services rendered by the similarly placed persons have been ordered to be counted for the purpose of pension and therefore the petitioners are also entitled to the same benefit.

6.It is not in dispute that the facts in those cases are similar to that of the facts in this case. Under such circumstances, the writ petitions are disposed of directing the respondents 1 to 7 to count 50% of service rendered by the petitioners before regularization along with the service rendered 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 submit the revised pension proposal of the petitioners for the terminal benefits for authorization before the sixth/seventh respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the sixth respondent/seventh respondent is directed to sanction the same within a period of two weeks, thereafter. No costs.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub Assistant Registrar

vsn

To

W.P(MD)Nos.3688 and 3690 of 2017

- 1.The State of Tamil Nadu rep. by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Head of Forest Force, Panagal Buildings,
Saaidapet, Chennai.
- 3.The Forest Range Officer,
<https://hcservices.ecourts.gov.in/hcservices/>
Social Forest Range,
Nanguneri,Tirunelveli District.



4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.

5.The Principal Accountant General Officer,
Accountant General Office, Chennai.

6.The Field Director/Chief Conservator of Forest,
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8.The Forest Range Officer,
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9.The Forest Range Officer,
Social Forest Range,
Tenkasi.

10.The Forest Officer,
Social Forest Range,
Sankarankoil, Tirunelveli District.

+3cc to Mr.P.Gunasekaran, Advocate Sr.Nos.12662,12663&12664

+1cc to Spl.Government Pleader Sr.No. 12314

+3cc to Mr.N.Sudalaimuthu, Advocate Sr.Nos.12348,12349,12350

JAM/10.03.17 /PN/SAR 3/ 6p-18c

ORDER MADE IN
W.P(MD)Nos.3688 to 3690 of 2017
02.03.2017