

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1728 of 2017 and

C.M.P.No.22123 of 2017

- 1.The Government of Tamil Nadu
Represented by its Secretary
Environment and Forest Department
Secretariat, Chennai 600 009.
 - 2.The Principal Chief Conservator of Forests
Having Office at Panagal Maaligai,
Saidapet, Chennai 600 015.
 - 3.The District Forest Officer
Thirupathur Division,
Vellore.
 - 4.The Accountant General of Tamil Nadu
Office at D.M.S. Compound
Teynampet, Chennai 600 018. ...Appellants/
Respondents 1 to 4
- Vs
1. A.Seenu ...Respondent/Petitioner
 2. Government of Tamil Nadu
rep. by its Secretary,
Finance Department, Secretariat,
Chennai-9. ...Respondent/Respondent 5

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.22547 of 2014 dated 21.08.2014 filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 3 to court half of the service rendered by the petitioner as plow watcher on daily wage basis

from 01.02.1982 till 26.07.2004

from 01.10.1982 till 28.12.2006

from 17.05.1983 till 11.11.2008

from 01.05.1981 till 04.09.2003

from 01.10.1984 till 06.08.2009

from 01.11.1986 till 06.08.2009

from 01.09.1984 till 06.08.2009

from 01.03.1983 till 19.10.2008

from 01.06.1982 till 29.08.2005

from 01.05.1985 till 06.08.2009

from 07.05.1983 till 22.10.2008 and

from 10.09.1983 till 06.08.2007

along with the regular service rendered by him forest watcher/male from 27.07.2014, 29.12.2006, 12.11.2008, 05.09.2003, 07.08.2009, 07.08.2009, 07.08.2009, 20.10.2008, 30.08.2005, 07.08.2009, 23.10.2008, and 07.08.2009 retirement namely 30.04.2014, 31.07.2012, 31.07.2013, 30.05.2012, 31.03.2014, 30.06.2014, 31.05.2014, 30.06.2014, 31.06.2014, 31.03.2013, 31.01.2014 and 28.02.2014 respectively as qualifying service send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.M.Santhanaraman
Additional Government Pleader (Forests)

For Respondents: No appearance

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The Writ Petition filed by the 1st respondent for counting half of his earlier service rendered as Plot Watcher from 01 November, 1986 to 07 August, 2009 for the purpose of fixing his pension was allowed by the learned Single Judge by following the earlier judgment in W.A.Nos.27 and 28 of 2012 dated 13 February, 2012, which was upheld by the Hon'ble Supreme Court by judgment dated 10 May, 2012 in SLP (Civil) Nos.14838 and 14839 of 2012.

2. The appellants were not prepared to consider the case of the respondent for counting the earlier service on account of Sub Rule (4) Rule 11 of the Tamil Nadu Pension Rules, 1978. The said Sub Rule contained a cut off date, viz., 01 April, 2003. The Sub Rule was the subject matter in W.P.No.12656 of 2013. The learned Single Judge quashed the Sub Rule by order dated 18 June, 2014. The order has become final.

3. There is no statutory provision prevailing as on today in view of quashing Rule 11 (4) of the Tamil Nadu Pension Rules, 1978 to deny 50% of the past service to the employees. The learned Single Judge was therefore, perfectly correct in allowing the Writ Petition filed by the respondent by following the earlier order passed by the learned Single Judge, which was upheld by the Division Bench and the Hon'ble Supreme Court. We are, therefore, of the view that the appellants have not made out a case to interfere with the order passed by the learned Single Judge.

In the upshot, we dismiss the intra court appeal filed by the State. The appellants are directed to comply with the order passed by the learned Single Judge within a period of eight weeks from the date of receipt of a copy of this

judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/--
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department
Secretariat, Chennai 600 009.
- 2.The Principal Chief Conservator of Forests
Having Office at Panagal Maaligai,
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- 3.The District Forest Officer
Thirupathur Division,
Vellore.
- 4.The Accountant General of Tamil Nadu
Office at D.M.S. Compound,
Teynampet, Chennai 600 018.
- 5.The Secretary,
Government of Tamil Nadu
Finance Department, Secretariat, Chennai-9.

+1cc to Additional Government Pleader Sr.No.23752

MR(CO)
sm:2.5.2018

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