

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.02.2018

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1730 of 2017
and
C.M.P.No.22126 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
Thiruvannamalai North Division
Tiruvannamalai.

4.The Accountant General of Tamil Nadu
Office at D.M.S. Compound
Teynampet, Chennai 600 018.

....Appellants

Vs

R.Kuppan

...Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.11944 of 2015 dated 24.04.2015.

Prayer in WP.No.11944 of 2015:Writ petition filed under Article 226 of the constitution of India for the issuance of writ of mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.1.1980 till 8.5.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 9.5.2003 till the date of his retirement namely 30.4.2013 as qualifying service send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits.

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

For Respondent : No appearance

JUDGMENT

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

The Writ Petition filed by the respondent for counting half of his earlier service rendered as Plot Watcher from 01 April 1980 to 08 May, 2003 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 Rule 11 Sub Clause (2) of the Tamil Nadu Pension Rules, 1978. The said Rule contained a cut off date, viz., 01 April, 2003. The said Rule was the subject matter in W.P.No.12656 of 2013. The learned Single Judge quashed the 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 (2) 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 IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary
The Government of Tamil Nadu
Environment and Forest Department
Secretariat, Chennai 600 009.

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Tiruvannamalai.

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Office at D.M.S. Compound
Teynampet, Chennai 600 018.

+1cc to Special Government Pleader Sr.No.10707

SS(CO)
sm:7.3.2018

W.A.No.1730 of 2017



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