

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

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

W.A.No.1482 of 2016  
and  
C.M.P.No.18412 of 2016

- 1.The State of Tamil Nadu  
Represented by its Secretary to Government  
(FR-2) Forest and Environment Department  
Fort St.George, Chennai 600 009.
- 2.The Principal Chief Conservator of Forests  
Panagal Building  
Saidapet, Chennai 600 015.
- 3.Forest Range Officer  
Afforestation Range  
Cheyyar (T.K.), Thiruvannamalai District.
- 4.The Deputy Conservator of Forests  
Forest Genetics Circle  
Coimbatore 641 043.
- 5.The Principal Accountant General of Tamil Nadu  
Accounts and Entitlement  
O/o The Accountant General  
Teynampet, Chennai 600 018. ...Appellants/ Respondnets

Vs

S.Jayaraman ...Respondent/ Petitioner

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.32606 of 2016 dated 19.09.2016.

Prayer in W.P. No.32606 of 2016 : Writ Petition Filed under Article 226 of the Constitution of India praying for a Writ of

Mandamus directing the respondent to consider the petitioner representation dated 20.05.2016 and a consequential direction directing the respondents 1 to 4 to count half of the service rendered by the petitioner from the date of Joining in service as plot Watcher on 01.04.1980 to 06.12.2006 along with regularized service rendered by the petitioner as Mali from 07.12.2006 to 31.10.2011 and send the revised proposal to the 5th respondent to grant pension with all consequential pensionary benefits from the petitioner date of retirement and arrears with interest.

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

For Respondent : Mrs.Selvi Rajesh

#### 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 06 December, 2006 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 IX)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government  
State of Tamil Nadu,  
(FR-2) Forest and Environment Department  
Fort St.George, Chennai 600 009.

2.The Principal Chief Conservator of Forests  
Panagal Building, Saidapet, Chennai 600 015.

3.The Forest Range Officer, Afforestation Range  
Cheyyar (T.K.), Thiruvannamalai District.

4.The Deputy Conservator of Forests  
Forest Genetics Circle, Coimbatore 641 043.

5.The Principal Accountant General of Tamil Nadu  
Accounts and Entitlement, O/o The Accountant General  
Teynampet, Chennai 600 018.

+1cc to Mr.P.Rajesh, Advocate, S.R.No.4475

+1cc to the Government Pleader, S.R.No.4764

W.A.No.1482 of 2016

NRJK (CO)

RRK (14/02/2018)

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