



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P(MD)No.9968 of 2018

Athi Lakshmi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Secretary to the Government,
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 Divisional Forest Officer,
Social Forest Division,
Ramanathapuram,
Ramanathapuram District.

4.The Divisional Forest Officer,
Social Forest Division,
Neelgiri South Range,
Uthagamandalam District.

5.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Teynampet, Chennai - 600 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to count half of the service rendered by the petitioner's husband as plot watcher from 01.04.1985 to 06.08.2009 along with regular service rendered by him as Forest Watcher from 07.08.2009 to 19.01.2013 as qualifying service for the purpose of conferment of pension and further direction to send a pension proposal to the 5th respondent and further direct the 5th respondent to grant pension based on such proposal with all consequential benefit.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mrs.S.Srimathy

<https://hcservices.ecourts.gov.in/hcservices/>

Special Government Pleader for R.1 to R.4
Mr.P.Gunasekaran for R.5

O R D E R

Heard Mr.P.Muthusamy, learned counsel for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader for respondents 1 to 4 and Mr.P.Gunasekaran, learned Counsel for the fifth respondent.

2. The petitioner has filed the writ petition directing the respondents 1 to 4 to count half of the service rendered by the petitioner's husband as plot watcher from 01.04.1985 to 06.08.2009 along with the regular service rendered by him as Forest Watcher from 07.08.2009 to 19.01.2013 as qualifying service for the purpose of conferment of pension and to direct them to send a pension proposal to the 5th respondent and further to direct the 5th respondent to grant pension based on such proposal with all consequential benefit.

3. The learned counsel appearing on either side agreed that the issue involved in this writ petition is squarely covered by the decision of the Hon'ble Division Bench of this Court passed in W.A.No.51 of 2018 and batch dated 27.03.2018 (In the Government of Tamilnadu represented by its Principal Secretary to Government, Forest and Environment Department and 3 others Vs. K.Sakthivel and another). The operative portion of the judgment reads as follows:

"31. In the result,

(i) W.A.(MD) Nos. 51 of 2018, 1431 and 1432 of 2017 are dismissed, confirming the orders passed in W.P.(MD)Nos.22833 of 2016, 15903 of 2012 and 22832 of 2016. No costs. Consequently, connected C.M.P.(MD)No.262 of 2018, 10923 and 10927 of 2017 are dismissed.

(ii) All other writ petitions filed by the Plot Watchers are allowed, as prayed for. No costs. Consequently, connected W.M.P.(MD)Nos.4753 and 4754 of 2018 are closed.

(iii) The appellants/respondents are directed to verify the service particulars of all the writ petitioners and count 50% of the services rendered by them on temporary basis and consequently refix their pension within a period of four months from the date of receipt of a copy of this judgment/order.

(iv) In case, where the petitioners/employees had died, the benefit shall accrue to their legal heirs and the payment shall be effected in the name of one of the legal heirs after obtaining proper authorisation from the other legal heirs.

(v) So far as W.P.(MD)No.6878 of 2017 is concerned, though the petitioner seeks for promotion to the post of Plot Watcher, the same is a misnomer as it is not a promotion, but absorption in the post of Forest Watcher. Therefore, whatever the relief granted to the other petitioners, shall enure in favour of this petitioner also and the writ petition stands disposed of accordingly. No costs.



(vi) In W.P.(MD)No.22510 of 2015, apart from seeking for regularisation of the services by counting 50% of the services rendered as Plot Watcher, the petitioner seeks for pensionary benefits also. This Court has directed that the benefit of 50% of the services should be reckoned, while calculating the length of service. Thus, if the petitioner has attained the age of superannuation, it goes without saying that consequential revision in pensionary benefits are required to be settled and the writ petition stands disposed of accordingly. No costs."

4. Following the decision of the Division bench of this Court, the writ petition is allowed as prayed for and the respondents are directed to extend the benefits within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary, Government of Tamil Nadu,
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 Divisional Forest Officer, Social Forest Division,
Ramanathapuram, Ramanathapuram District.
 - 4.The Divisional Forest Officer, Social Forest Division,
Neelgiri South Range, Uthagamandalam District.
 - 5.The Accountant General of Tamil Nadu,
Office of the Accountant General, Teynampet, Chennai - 600 018.
- +1CC to Mr.P.Muthusamy, Advocate, SR.No. 64393
+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 64440
+1CC to the Special Government Pleader SR.No.64458

W.P(MD)No.9968 of 2018
27.04.2018

CM

AM/SV MMS/SAR 4/21.05.2018/3P/9C