



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.04.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.10970 of 2019

WEB COPY

K.Vellaidurai

... Petitioner

vs.

1.The Principal Chief Conservator of Forest,
Saidepet,
Chennai.

2.The Principal Secretary,
Forest & Environmental Department,
Chennai - 9.

3.The Chief Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai.

4.The Chief Conservator of Forest,
Tirunelveli Region,
N.G.O.Colony,
Tirunelveli.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,directing the respondents to fix and disburse the pension to the petitioner by counting half of the service rendered by the petitioner from 01.03.1981 to 06.08.2009 on daily wages basis along with regular service rendered by the petitioner from 07.08.2009 to 31.03.2019 with all consequential benefits from the date of retirement by considering the petitioner's representation, dated 04.04.2019.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader
for R1, R2 & R4

: Mr.P.Gunasekaran for R3

ORDER

This Writ Petition has been filed seeking a direction to
<https://hcservices.ecourts.gov.in/hcservices/> to disburse pension by counting half of the
service rendered by the petitioner from 01.03.1981 to 06.08.2009



on daily wages basis along with regular service rendered by the petitioner from 07.08.2009 to 31.03.2019 with all consequential benefits from the date of retirement by considering the petitioner's representation, dated 04.04.2019.

2. Heard the learned counsel for the petitioner; the learned Additional Government Pleader who takes notice for the respondents 1, 2 and 4 and the learned counsel, who takes notice for the third respondent. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he was appointed as Plot Watcher in Eattaiyapuram Range on 01.03.1981 on daily wage basis and thereafter, he was working as a Village Social Forest Worker from 01.08.2007 to 06.08.2009 and subsequently, his service was regularised as a Plot Water and he was working as a excessive Plot Watcher from 07.08.2009 to 07.07.2014. Subsequently, the petitioner was appointed as a Night Watchman at the fourth respondent's office vide proceedings dated 29.03.2019 and thereafter, he retired from service on 31.03.2019 on attaining the age of superannuation. According to the petitioner, he is entitled to get pension by counting half of his service rendered on daily wage basis along with regular service rendered by him. In this regard, the petitioner sent a representation dated 04.04.2019 to the fourth respondent to send his pension proposal by counting 50% of his temporary service along with regular service. But the same has not been considered so far. Hence, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for the respondents 1, 2 and 4 submitted that an addition of 50% of the services rendered on the daily wage basis would be applicable only to the employees who were absorbed in regular services before 01.04.2003 and the petitioner is not entitled to such benefit, since his service was regularised thereafter.

5. However, a Division Bench of this Court has considered a similar question in **the Government of Tamil Nadu & Others Vs. K. Sakthivel & Another (W.A.No.51 of 2018 and etc., batch cases)**, wherein, the Division Bench of this Court has held that a similarly placed person like the present petitioner, would be entitled to addition of 50% of the services rendered as a Plot Watcher on daily wage basis and had opined that the fixation of cut off date has no rationale.

6. In view of the said judgment of the Hon'ble Division Bench of this Court, the first respondent is directed to count 50% of the service of the petitioner rendered as Plot Watcher on temporary basis from 01.03.1981 to 06.08.2009 and calculate the pension and pay the same within a period of four weeks from the



date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Chief Conservator of Forest,
Saidepet,
Chennai.

2.The Principal Secretary,
Forest & Environmental Department,
Chennai - 9.

3.The Chief Accountant General,
No.361, Anna Salai,
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4.The Chief Conservator of Forest,
Tirunelveli Region,
N.G.O.Colony,
Tirunelveli.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-63697[F] dated
29/04/2019)

+1 CC to M/s.K.BAALASUNDHARAM, Advocate (SR-64162[F] dated
30/04/2019)

+1 CC to M/s.SPL GP (SR-64918[F] dated 02/05/2019)

SSL

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29.04.2019

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