



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P(MD) Nos.11321 to 11324 of 2019

W.P(MD)No.11321 of 2019

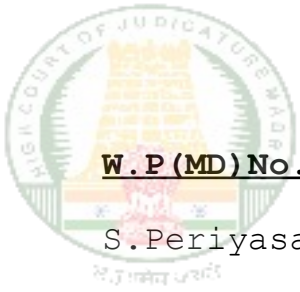
S.Ayyasamy

... Petitioner

vs.

- 1.The State of Tamil Nadu,  
Represented by its Secretary,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-600 009.
  - 2.The Principal Chief Conservator of Forest,  
Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai.
  - 3.The Forest Range Officer,  
Social Forest Range,  
Sankarankovil,  
Tirunelveli District.
  - 4.The Divisional Forest Officer,  
Social Forestry Division and Extension Division,  
Tirunelveli.
  - 5.The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.
- ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption on 7.8.2009 (from 1.4.1987 to 6.8.2009) along with the regular service from 7.8.2009 to 31.5.2018 in the qualifying service (Supernumery Plot Watcher) and send the revised pension proposal to the 5<sup>th</sup> respondent and to further direct the 5<sup>th</sup> respondent to sanction the eligible pension, family pension and all other terminal benefits within the time as stipulated by this Court.

**W.P(MD)No.11322 of 2019**

S.Periyasamy

... Petitioner

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vs.

- 1.The State of Tamil Nadu,  
Represented by its Secretary,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forest,  
Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai.
- 3.The Forest Range Officer,  
Sivagiri Forest Range,  
Sivagiri,  
Tirunelveli District.
- 4.The Divisional Forest Officer,  
Tirunelveli Forestry Division,  
Tirunelveli.
- 5.The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption on 3.8.2009 (from 1.5.1984 to 2.8.2009) along with the regular service from 3.8.2009 to 31.5.2017 in the qualifying service (Driver) and send the revised pension proposal to the 5<sup>th</sup> respondent and to further direct the 5<sup>th</sup> respondent to sanction the eligible pension, family pension and all other terminal benefits within the time as stipulated by this Court.

**W.P(MD)No.11323 of 2019**

A.Karuppasamy

... Petitioner

vs.

- 1.The State of Tamil Nadu,  
Represented by its Secretary,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-600 009.



2.The Principal Chief Conservator of Forest,  
Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai.

3.The Forest Range Officer,  
Kadayanallur Forest Range-Mekkarai Section,  
Kadayanallur,  
Tirunelveli District.

4.The District Forest Officer and Wild Life Guarden,  
Social Forestry and Extension Division,  
Tirunelveli.

5.The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption on 7.8.2009 (from 1.5.1991 to 7.1.2014) along with the regular service from 8.1.2014 to 30.9.2018 in the qualifying service (Forest Watcher) and send the revised pension proposal to the 5<sup>th</sup> respondent and to further direct the 5<sup>th</sup> respondent to sanction the eligible pension, family pension and all other terminal benefits within the time as stipulated by this Court.

**W.P(MD)No.11324 of 2019**

C.Muppudathi

... Petitioner

vs.

1.The State of Tamil Nadu,  
Represented by its Secretary,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of Forest,  
Panagal Buildings, Saidapet,  
Chennai.

3.The conservator of Forest,  
Tirunelveli Circle,  
Tirunelveli.

4.The District Forest Officer,  
Tirunelveli Division,  
Tirunelveli.



5.The Forest Range Officer,  
Courtalam Forest Range,  
Courtalam,  
Tirunelveli District.

6.The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents from 1 to 5 to count half of the service of the petitioner before his absorption on 9.7.2004 (1.12.1981 to 8.7.2004) along with the regular service from 9.7.2004 to 30.04.2016 in the qualifying service (Forest Guard) and send the revised pension proposal to the 6<sup>th</sup> respondent and to further direct the 6<sup>th</sup> respondent to sanction the eligible pension, family pension and all other terminal benefits within the time as stipulated by this Court.

|                 |                                                          |
|-----------------|----------------------------------------------------------|
| For Petitioners | : Mr.N.Sudalaimuthu                                      |
| For R1 to R4    | : Mr.S.Angappan,<br>Government Advocate                  |
| For R5          | : Mr.P.Gunasekaran<br>in WP (MD) Nos.11321 to 11323/2019 |
| For Petitioner  | : Mr.N.Sudalaimuthu                                      |
| For R1 to R5    | : Mr.S.Angappan,<br>Government Advocate                  |
| For R6          | : Mr.P.Gunasekaran<br>in WP (MD) No.11324/2019           |

#### **COMMON ORDER**

Seeking a direction to the respondents to count half of the service of the petitioners before their absorption along with the regular service in the qualifying service and send the revised pension proposal to the fifth and sixth respondents respectively and to direct the fifth and sixth respondents to sanction the eligible pension, family pension and all other terminal benefits to the petitioners, these writ petitions have been filed.

2.Heard the learned counsel appearing for the petitioners, the learned Government Advocate, who took notice for the respective respondents 1 to 5 and the learned counsel, who took notice for the sixth respondent. By consent, the writ petitions are taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioners submitted that in an identical case, this Court passed order in W.P (MD) No.21330 of 2016, dated 08.11.2016, directing the respondents 1



to 5 therein to count 50% of service rendered by the petitioner therein. The relevant portion of the said order is extracted hereunder:

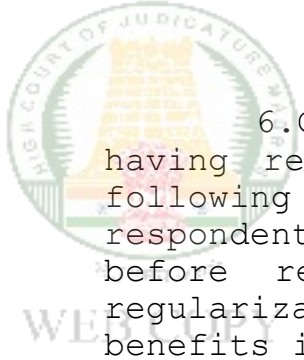
"4.The grievance of the petitioner is that 50% of the service rendered by him prior to regularization is not taken into account for the purpose of pension and other benefits, as per Rule 11(2) of Tamil Nadu Pension Rules.

5.Placing reliance on the orders of this Court in **P.Chinniyar v. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others** reported in (2014) 6 MLJ 316, W.P(MD)No.19159 of 2013 dated 23.07.2014 (**M.Kalimuthu v. The Government of Tamil Nadu rep. by its Secretary, Forest and Environment Department, Chennai - 600 009**) and W.P(MD)No.17483 of 2016 dated 03.10.2016 (**S.Subramanian v. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others**), the learned counsel for the petitioner would point out that 50% of the services rendered by the similarly placed persons have been ordered to be counted for the purpose of pension and therefore the petitioner is also entitled to the same benefit.

6.It is not in dispute that the facts in those cases are similar to that of the facts in this case. Under such circumstances, the writ petition is disposed of directing the respondents 1 to 5 to count 50% of service rendered by the petitioner before regularisation along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the Judgments referred to above and submit the revised pension proposal of the petitioner for the terminal benefits for authorization before the sixth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the sixth respondent is directed to sanction the same within a period of two weeks, thereafter. No costs.

4.Hence, the learned counsel prayed that the case of the petitioners has to be considered in the light of the aforesaid decision.

5.The learned Government Advocate appearing for the respective respondents 1 to 5 and the learned counsel for the sixth respondent have not disputed the aforesaid decision relied on the side of the petitioners.



6. Considering the facts and circumstances of the case and having regard to the submissions made on either side and also following the aforesaid decision, this Court, directs the respondents to count 50% of the service rendered by the petitioners before regularisation along with the service rendered after regularization, for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and submit the revised pension proposal of the petitioners for the terminal benefits for authorization before the fifth and sixth respondents respectively, within a period of twelve weeks from the date of receipt of a copy of this order and the fifth and sixth respondents are directed to sanction the same within a period of two weeks, thereafter.

7. The writ petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary,  
State of Tamil Nadu,  
Forest and Environment (FR-2) Department,  
Secretariat, Chennai-600 009.
2. The Principal Chief Conservator of Forest,  
Head of Forest Force,  
Panagal Buildings, Saidapet,  
Chennai.
3. The Forest Range Officer,  
Social Forest Range,  
Sankarankovil,  
Tirunelveli District.
4. The Divisional Forest Officer,  
Social Forestry Division and Extension Division,  
Tirunelveli.
5. The Principal Accountant General Officer,  
Accountant General Office,  
Chennai.



6.The Forest Range Officer,  
Sivagiri Forest Range,  
Sivagiri, Tirunelveli District.

7.The Forest Range Officer,  
Kadayanallur Forest Range-Mekkarai Section,  
Kadayanallur, Tirunelveli District.

8.The District Forest Officer and Wild Life Guarden,  
Social Forestry and Extension Division,  
Tirunelveli.

9.The conservator of Forest,  
Tirunelveli Circle, Tirunelveli.

10.The District Forest Officer,  
Tirunelveli Division, Tirunelveli.

11.The Forest Range Officer,  
Courtalam Forest Range,  
Courtalam, Tirunelveli District.

12.The Divisional Forest Officer,  
Tirunelveli Forestry Division,  
Tirunelveli.

+4CC TO MR.N.SUDALAIMUTHU, Advocate Sr. No.6487 TO 64390  
+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No. 64213

W.P(MD) Nos.11321 to 11324 of 2019  
30.04.2019

DKS (CO)  
TR (28.05.2019) 7P 18C