



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) Nos.1768 to 1770 of 2019

WP (MD) No.1768 of 2019

P.Chandrasekaran

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3.The District Forest Officer,
Dindigul Forest Division,
Dindigul District,
Dindigul.

4.The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01/06/1981 to 23/01/1995 on temporary basis along with the regular service from 24/01/1995 till the date of retirement on 28/02/2015 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and Commuted Value of pension to the 4th Respondent under old pension scheme to authorize the same with all other consequential benefits.

WP (MD) No.1769 of 2019

M.Vijayasamy

... Petitioner

-Vs-

1.The State of Tamil Nadu,
<https://hcservices.ecourts.gov.in/hcservices/>
rep.by its Secretary to Government,
Environment and Forest Department,



Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3.The District Forest Officer,
Ramnad Forest Division,
Ramanathapuram District.

4.The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 16.01.1985 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 29.02.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and Commuted Value of pension to the 4th respondent under old pension scheme to authorize the same with all other consequential benefits.

WP(MD)No.1770 of 2019

R.Sivanesan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

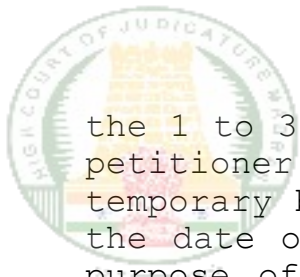
2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3.The District Forest Officer,
Megamalai Wild Life Division,
Theni District, Theni.

4.The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing



the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.08.1978 to 02.05.1991 on temporary basis along with the regular service from 03.05.1991 till the date of retirement on 31.05.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and Commuted Value of pension to the 4th Respondent under old pension scheme to authorize the same with all other consequential benefits.

For Petitioners : M/s.K.Jenitha
For R1 to R3 : Mr.M.Mari Chelliah Prabhu
Additional Government Pleader
For R4 : Mr.P.Gunasekaran
in all writ petitions.

COMMON ORDER

These writ petitions have been filed seeking a direction to the respondents to disburse pension by counting half of the service rendered by the petitioners from 01.06.1981 to 23.01.1995; 16.01.1985 to 06.08.2009 and 01.08.1978 to 02.05.1991 respectively as Plot Watchers on temporary basis along with the regular service rendered by them from 24.01.1995 to 28.02.2015; 07.08.2009 to 29.02.2016 and 03.05.1991 to 31.05.2016 respectively with all consequential benefits.

2.Heard the learned counsel for the petitioners; the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3.The third respondent filed counter affidavit, wherein it is stated 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 petitioners are not entitled to such benefit, since their services were regularised thereafter.

4.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, this Court has held that a similarly placed person like the present petitioners, would be entitled to addition 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.

5.In view of the said judgment of the Hon'ble Division Bench of this Court, the respondents are directed to count 50% of the service of the petitioners rendered as Plot Watchers on temporary basis from 01.06.1981 to 23.01.1995; 16.01.1985 to 06.08.2009 and 01.08.1978 to 02.05.1991 and calculate the pension and pay the same



within a period of 12 weeks from the date of receipt of a copy of this order.

6.The writ petitions are disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 9.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.
- 3.The District Forest Officer,
Dindigul Forest Division,
Dindigul District,
Dindigul.
- 4.The District Forest Officer,
Ramnad Forest Division,
Ramanathapuram District.
- 5.The District Forest Officer,
Megamalai Wild Life Division,
Theni District, Theni.

+1cc to Mr.K.JENITHA, Advocate, SR.No.50213
+1cc to Mr.P.GUNASEKARAN, Advocate, SR.No.51135

W.P.(MD)Nos.1768 to 1770 of 2019
27.02.2019

MJ

KK/SAR/03.04.2019/ 4P- 8C

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