

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.5533 of 2019**

S.Pandiammal

... 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,
Kodaikanal Forestry Division,
Kodaikanal, Dindigul District.
 - 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as Plot Watcher from 01.04.1983 to 04.06.2008 on temporary basis along with the regular service from 05.06.2008 to till the date of death on 12.08.2012 as qualifying service for the purpose of conferment of family pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all other consequential benefits with effect from the date of death.

For Petitioner : M/s.K.Jenitha

For RR 1 to 3 : Mrs.J.Padmavathy Devi,
Special Government Pleader.

For R - 4 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed seeking a direction to the



respondents to disburse family pension by counting half of the service rendered by the petitioner's husband from 01.04.1983 to 04.06.2008 as Plot Watcher on temporary basis along with the regular service rendered by him from 05.06.2008 to 12.08.2012 with all consequential benefits.

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

3. The learned Special Government Pleader appearing for the respondents 1 to 3 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's husband is not entitled to such benefit, since his service was 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 petitioner's husband, 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.

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 petitioner's husband rendered as Plot Watcher on temporary basis from 01.04.1983 to 04.06.2008 and calculate the family 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 petition is disposed of accordingly. No costs.

Sd/-

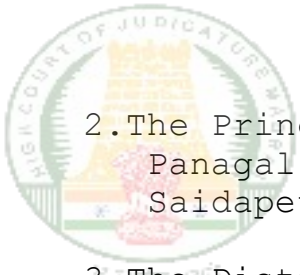
Assistant Registrar (W)

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Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
The State of Tamil Nadu,
Public Works 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,
Kodaikanal Forestry Division,
Kodaikanal, Dindigul District.

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

+1 CC to M/s.K.JENITHA, Advocate (SR-53397[F] dated 12/03/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-53728[F] dated
13/03/2019)

+1 CC to M/s.SPL GP (SR-53785[F] dated 13/03/2019)

ps

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