



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P(MD)No.6105 of 2019

WEB COPY

M.Karuppasamy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai.

2.The Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.

3.The Conservator of Forests and Field Director,
Mudumalai Tigers Sanctuary,
Udagamanadalam (Ooty).

4.The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai - 18.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to count half of the service rendered by the petitioner as a Plot Watcher on the basis of daily wages from 01.02.1981 to 06.07.2007 along with regular service rendered by him as the Night watchman from 07.07.2007 to till the date of his retirement on 30.06.2010 as qualifying service and to send the revised proposal to the fourth respondent, for the purpose of granting pension to the petitioner with all consequential monetary benefits by considering his representation, dated 16.02.2019.

For Petitioner :M.Solaisamy
For RR 1 to 3 : Mrs.J.Padmavathi Devi,
Special Government Pleader.

For R - 4 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed seeking to direct the first respondent to count half of the service rendered by the petitioner as a Plot Watcher on the basis of daily wages from 01.02.1981 to 06.07.2007 along with regular service rendered by him as the Night watchman from 07.07.2007 to till the date of his retirement on 30.06.2010 as qualifying service and to send the revised proposal



to the fourth respondent, for the purpose of granting pension to the petitioner with all consequential monetary benefits by considering his representation, dated 16.02.2019.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

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 is not entitled to such benefit, since his service was regularised thereafter.

4. This Court is of the view that 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, 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 petitioner rendered as Plot Watcher on temporary basis from 01.02.1981 to 06.07.2007 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 petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Forest and Environment Department,
Fort St. George, Chennai.



2.The Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.

3.The Conservator of Forests and Field Director,
Mudumalai Tigers Sanctuary,
Udagamanadalam (Ooty).

4.The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai - 18.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-54805[F] dated
18/03/2019)

+1 CC to M/s.SPL GP (SR-55099[F] dated 19/03/2019)

ps

W.P (MD) No. 6105 of 2019
15.03.2019

KM/(15.04.2019) 3P 7C