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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.8595 of 2019

D.Kannan

... Petitioner

vs.

1.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.

2.The Divisional Forest Officer,
Velu Nachiar Compex, Dindigul.

3.The District Forest Officer,
Kodaikanal Region,
Kodaikanal, Dindigul District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 20.03.2019 to count half of the service rendered by petitioner from 23.11.1984 to 07.08.2009 as plot watcher on a daily wages basis along with regular service rendered from 08.08.2009 to till 31.03.2018 and send revised pension proposal to the 3rd respondent and further grant pension to the petitioner with all consequential benefits.

For Petitioner : Mr.G.Thiruvarutselvan

For R1 to R3 : Mr.S.Angappan
Government Advocate

For R4 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 to count half of the service rendered by petitioner from 23.11.1984 to 07.08.2009 as plot watcher on a daily wage basis, along with regular service rendered from 08.08.2009 to till 31.03.2018 and send revised pension proposal to the third respondent and further grant pension to the petitioner with all consequential benefits, based on the representation dated



2. Heard the learned counsel for the petitioner; the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the fourth respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

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3. The learned Government Advocate 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. The learned counsel appearing for the petitioner submitted 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 23.11.1984 to 07.08.2009 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)

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To

1. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.

2. The Divisional Forest Officer,
Velu Nachiar Complex,
Dindigul.



3. The District Forest Officer,
Kodaikanal Region,
Kodaikanal,
Dindigul District.

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.60261
+1CC TO MR.G.THIRUVARUTSELVAN, Advocate Sr. No.60387
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.60383

W.P(MD) No.8595 of 2019
10.04.2019

SCR(CO)
TR (06.05.2019) 4P 7C