



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVANW.P(MD) No.8620 of 2019

WEB COPY

S.Manoharan

... 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,
Kodaikkanal Forest Division,
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 to issue a Writ of mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 20.04.1983 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 to till the date of retirement on 28.02.2019 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 authorise the same with all other consequential benefits.

For Petitioner : M/s.K.Jenitha

For R1 to R3 : Mr.V.Anand
Government Advocate

For R4 : Mr.P.Gunasekaran

ORDER

<https://hcservices.ecourts.gov.in/hcservices> This petition has been filed seeking a direction to the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher from 20.04.1983 to 06.08.2009 on



temporary basis along with the regular service from 07.08.2009 to till the date of retirement i.e. on 28.02.2019 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 fourth respondent under old pension scheme to authorise the same with all other consequential benefits.

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.

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 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 20.04.1983 to 06.08.2009 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 (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
State of Tamil Nadu,
Environmnet 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,
Kodaikkanal Forest Division,
Dindigul District.

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

+1 CC to M/s.K.JENITHA, Advocate (SR-60032[F] dated 10/04/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-60694[F] dated
12/04/2019)

MJ

W.P(MD) No.8620 of 2019
10.04.2019

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