

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

DATED: 22.04.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No. 9461 of 2019**

V. Valai Seenimuthu

... 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,
Ramanathapuram Forest Division
Ramanathapuram 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 as Plot Watcher from 01.04.1986 on temporary basis along with the regular service to till the date of retirement on 31.03.2018 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 authorize the same with all other consequential benefits.

For Petitioner : M/s.K.Jenitha

For RR 1 to 3 : Mr.V.Anand,
Government Advocate.

For R - 4 : Mr.P.Gunasekaran

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to disburse pension by counting half of the service rendered by the petitioner from 01.04.1986 to 06.08.2009 as Plot Watcher on temporary basis along with the regular service rendered by him from 07.08.2009 to 31.03.2018 with all 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 is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that he joined in service as a Plot Watcher in the Forest Department on 01.04.1986. As per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, the name of the petitioner was included in the Statewide Seniority List and subsequently, his service was regularized with effect from 07.08.2009 and he was brought under regular time scale of pay and he retired from service on 31.03.2018. Under the said circumstances, the petitioner sent a representation to the third respondent to send his pension proposal to the fourth respondent by counting 50% of his temporary service along with regular service. But the same has not been considered so far. Hence, the petitioner is before this Court.

4. 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.

5. However, 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, the Division Bench of this Court has held that a similarly placed person like the present petitioner, 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.

6. 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 01.04.1986 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.



7.The writ petition is disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (W)

**(*) Amended as per the order of
this Court dt.23.07.2019**

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To

To be substituted to the order already despatched on 23.05.19

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,
Ramanathapuram Forest Division
Ramanathapuram

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

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-61494[F] dated
22/04/2019)

+1 CC to M/s.K.JENITHA, Advocate (SR-61755[F] dated 23/04/2019)

+1 CC to M/s.SPL GP (SR-61828[F] dated 23/04/2019)

PS

**W.P(MD)No.9461 of 2019
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