

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

DATED: 22.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD)Nos.9465, 9466, 9467, 9468 & 9469 of 2019**W.P(MD)No.9465 of 2019:-**

M.Maruthaiah

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Forest and Environment (FR-2) Department,
Secretariat,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai.
- 3.The Forest Range Officer,
Social Forest Range,
Sankarankovil, Tirunelveli District.
- 4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.
- 5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

... 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 from 1 to 4 to count half of the service of the petitioner before his absorption (from 01.04.1987 to 06.08.2009) along with the regular service from 07.08.2009 to 31.05.2017 in the qualifying service and send the revised pension proposal to the fifth respondent and to further direct the fifth respondent to sanction the eligible pension and all other terminal benefits in accordance with the rules as stipulated by this Honourable Court.



WP(MD)No.9466 OF 2019:

L.ARUMUGASAMY

... Petitioner in WP(MD). 9466/ 2019

- Vs. -

- 1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY, FOREST & ENVIRONMENT (FR-2) DEPT.,
SECRETARIAT, CHENNAI-9
- 2 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
PANAGAL BUILDINGS, SAIDAPET, CHENNAI
- 3 THE FOREST RANGE OFFICER,
UPPERKODAIYAR FOREST RANGE, UPPERKOTHAIR
- 4 THE DEPUTY DIRECTOR / WILDLIFE WARDEN,
KALAKKAD SANCTUARY, KALAKKAD, TIRUNELVELI
- 5 THE PRINCIPAL ACCOUNTANT GENERAL OFFICER,
ACCOUNTANT GENERAL OFFICE, CHENNAI

... Respondents in WP(MD). 9466/ 2019

Prayer in WP(MD). 9466/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption from (01.02.1982 to 19.07.2004) along with the regular service from 19.07.2004 to 31.05.2013 in the qualifying service and send the revised pension proposal to the 5th respondent and to further direct the 5th respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Honourable Court.

WP(MD)No.9467 OF 2019

K.VELUCHAMY,

... Petitioner in WP(MD). 9467/ 2019

- Vs. -

- 1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY, FOREST & ENVIRONMENT (FR-2) DEPT.,
SECRETARIAT, CHENNAI-9
- 2 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
PANAGAL BUILDINGS, SAIDAPET, CHENNAI



3 THE FOREST RANGE OFFICER,
COURTALLAM FOREST RANGE, AT SENGOTTAI, TIRUNELVELI DT.

4 THE DISTRICT FOREST OFFICER,
TIRUNELVELI DIVISION, THIRUNELVELI

5 THE PRINCIPAL ACCOUNTANT GENERAL OFFICER,
ACCOUNTANT GENERAL OFFICE, CHENNAI

... Respondents in WP(MD). 9467/ 2019

Prayer in WP(MD). 9467/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption from (01/01/1981 to 06/08/2009) along with the regular service from 07/08/2009 to 30/06/2018 in the qualifying service and send the revised pension proposal to the 5th respondent and to further direct the 5th respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Honourable Court.

WP(MD)No.9468 of 2019:

A.SUDALAIKANNU, ... Petitioner in WP(MD). 9468/ 2019

- Vs. -

1 THE STATE OF TAMIL NADU, REP. BY ITS SECRETARY,
FOREST & ENVIRONMENT (FR-2)DEPT., SECRETARIAT, CHENNAI-9

2 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
PANAGAL BUILDINGS, SAIDAPET, CHENNAI

3 THE FOREST RANGE OFFICER,
VELIMALAI FOREST RANGE, AT PONMANAI, KANYAKUMARI DT.

4 THE DISTRICT FOREST OFFICER AND WILF LIFE GARDEN,
KANYAKUMARI DIVISION, NAGERKOIL

5 THE PRINCIPAL ACCOUNTANT GENERAL OFFICER,
ACCOUNTANT GENERAL OFFICE, CHENNAI

... Respondents in WP(MD). 9468/ 2019

Prayer in WP(MD). 9468/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption from 15.5.1983 to 6.8.2009) along with the regular service from 7.8.2009 to 30.6.2018 in the qualifying service and send the revised pension proposal to the 5th respondent and to further direct the 5th respondent to sanction the eligible pension and all other terminal



benefits within the time as stipulated by this Honourable Court.

WP(MD) No. 9469 OF 2019:

M. SANMUGASUNDARAM

... Petitioner in WP(MD). 9469/ 2019

- Vs. -

- 1 THE STATE OF TAMIL NADU, REP. BY ITS SECRETARY,
FOREST & ENVIRONMENT (FR-2) DEPT., SECRETARIAT, CHENNAI-9
- 2 THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
PANAGAL BUILDINGS, SAIDAPET, CHENNAI
- 3 THE FOREST RANGE OFFICER,
THIRUKKURUNGUDI FOREST RANGE, THIRUKKURUNGUDI
- 4 THE DEPUTY DIRECTOR / WILDLIFE WARDEN,
KALAKKAD SANCTUARY, KALAKKAD, TIRUNELVELI
- 5 THE PRINCIPAL ACCOUNTANT GENERAL OFFICER,
ACCOUNTANT GENERAL OFFICE, CHENNAI

... Respondents in WP(MD). 9469/ 2019

Prayer in WP(MD). 9469/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents from 1 to 4 to count half of the service of the petitioner before his absorption from (01.03.1987 to 06.08.2009) along with the regular service from 07.08.2009 to 30.04.2018 in the qualifying service and send the revised pension proposal to the 5th respondent and to further direct the 5th respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Honourable Court.

IN ALL WP's

For Petitioner	:	Mr.N.Sudalai Muthu
For RR 1 to 4	:	Mr.V.Anand, Government Advocate.
For R - 5	:	Mr.P.Gunasekaran

COMMON ORDER

These Writ Petitions have been filed seeking directions to the respondents to disburse pension by counting half of the services rendered by the petitioners from 01.04.1987 to 06.08.2009; 01.07.2004; 01.01.1981 to 06.08.2009; 15.05.1983 to 06.08.2009 and 01.03.1987 to 06.08.2009 respectively as Plot Watchers on temporary basis along with the regular service rendered



by them from 07.08.2009 to 31.05.2017; 20.07.2004 to 31.05.2013; 07.08.2009 to 30.06.2018; 07.08.2009 to 31.05.2018 and 07.08.2009 to 30.04.2018 respectively with all consequential benefits.

2. Heard the learned counsel for the petitioners; the learned Government Advocate for the respondents 1 to 4 and the learned counsel for the fifth respondent. By consent, the Writ Petitions are taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that they joined in service as Plot Watchers in the Forest Department. As per G.O.Ms.No.95, Environmental and Forest Department, dated 07.08.2009, their services were regularised as Plot Watchers with effect from 07.08.2009 and they were brought under regular time scale of pay and they retired from service. Under the said circumstances, the petitioners sent representations to the third respondent to send their pension proposal to the fifth respondent by counting 50% of their temporary services along with regular services. But the same have not been considered so far. Hence, the petitioners are before this Court.

4. The learned Government Advocate appearing for the respondents 1 to 4 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 petitioners are not entitled to such benefit, since their services were 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 petitioners, would be entitled to addition of 50% of the services rendered as a Plot Watchers 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 services rendered by the petitioners as Plot Watchers on temporary basis for the above stated period and calculate their pensions and



pay the same within a period of 12 weeks from the date of receipt of a copy of this order.

7. The writ petitions are disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. THE SECRETARY TO GOVERNMENT,
FOREST AND ENVIRONMENT (FR-2) DEPARTMENT,
SECRETARIAT, CHENNAI - 600 009.
2. THE PRINCIPAL CHIEF CONSERVATOR OF FOREST,
PANAGAL BUILDINGS,
SAIDAPET, CHENNAI.
3. THE FOREST RANGE OFFICER,
SOCIAL FOREST RANGE,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
4. THE DIVISIONAL FOREST OFFICER,
SOCIAL FORESTRY DIVISION,
TIRUNELVELI.
5. THE PRINCIPAL ACCOUNTANT GENERAL OFFICER,
ACCOUNTANT GENERAL OFFICE,
CHENNAI.
- 6 THE FOREST RANGE OFFICER,
UPPERKODAIYAR FOREST RANGE, UPPERKOTHAIR
- 7 THE DEPUTY DIRECTOR / WILDLIFE WARDEN,
KALAKKAD SANCTUARY, KALAKKAD, TIRUNELVELI
- 8 THE FOREST RANGE OFFICER,
COURTALLAM FOREST RANGE, AT SENGOTTAI, TIRUNELVELI DT.



9 THE DISTRICT FOREST OFFICER,
TIRUNELVELI DIVISION, THIRUNELVELI

10 THE FOREST RANGE OFFICER,
VELIMALAI FOREST RANGE AT PONMANAI, KANYAKUMARI DT.

11 THE DISTRICT FOREST OFFICER AND WILF LIFE GARDEN,
KANYAKUMARI DIVISION, NAGERKOIL

12 THE FOREST RANGE OFFICER,
THIRUKKURUNGUDI FOREST RANGE, THIRUKKURUNGUDI

5CC'S TO MR.N.SUDALAIMUTHU, ADVOCATE
SR.Nos.61567, 61568, 61569, 61570, 61571.

1CC TO MR. P. GUNASEKARAN,ADVOCATE SR.61496

KK

22/05/2019

7P 19C

**W.P(MD)Nos.9465, 9466, 9467,
9468 & 9469 of 2019**

22.04.2019