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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.9566 of 2019

Arumugam

... Petitioner

Vs.

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

2.The Principal Secretary,
Forest & Environmental Department,
Chennai - 9.

3.The Chief Accountant General,
No.361, Anna Salai,
Teynampet,
Chennai.

4.The Chief Conservator of Forest,
Tirunelveli Region,
Tirunelveli.

5.The District Forest Officer,
Thoothukudi,
Thoothukudi District.

... 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 to fix and disburse the pension to the petitioner by counting half of the service rendered by the petitioner from 01.11.1985 to 06.08.2009 on daily wages basis along with regular service rendered by the petitioner from 07.08.2009 to 30.09.2012 with all consequential benefits from the date of retirement by considering the petitioner's representation, dated 06.03.2019.

For Petitioner : Mr.K.Baalasundharam

For RR 1, 2, 4 & 5: Mr.V.Anand,
Government Advocate.

**ORDER**

WEB COPY 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 01.11.1985 to 06.08.2009 as Village Social Forestry Worker on temporary basis along with the regular service rendered by him from 07.08.2009 to 30.09.2012 with all consequential benefits.

2. Heard the learned counsel for the petitioner; the learned Government Advocate for the respondents 1, 2, 4 & 5 and the learned counsel for the third 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 Village Social Forestry Worker in the Forest Department on 01.11.1985. As per G.O.Ms.No.95, Environmental and Forest Department, dated 07.08.2009, his service was regularised as Plot Watcher with effect from 07.08.2009 and he was brought under regular time scale of pay and he retired from service on 30.09.2012. Under the said circumstances, the petitioner sent a representation to the fifth respondent to send his pension proposal to the third 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, 2, 4 & 5 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 01.11.1985 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.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

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

2. The Principal Secretary,
Forest & Environmental Department,
Chennai - 9.

3. The Chief Accountant General,
No. 361, Anna Salai,
Teynampet, Chennai.

4. The Chief Conservator of Forest,
Tirunelveli Region,
Tirunelveli.

5. The District Forest Officer,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s. P. GUNASEKARAN, Advocate (SR-61497[F] dated 22/04/2019)

+1 CC to M/s. K. BAALASUNDHARAM, Advocate (SR-61929[F] dated 23/04/2019)

+1 CC to M/s. SPL GP (SR-62073[F] dated 24/04/2019)

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22.04.2019

CS:15/05/2019/3P/9C