



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) Nos.18195 to 18197 of 2017

WP (MD) No.18195 of 2017

K.Baluchamy

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3.The Divisional Forest Officer,
Race Course Road,
Madurai - 625 002.

4.The District Forest Officer,
Race Course Road,
Madurai - 625 002.

5.The Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to sanction and disburse pension to the petitioner by counting half of the service rendered by the petitioner from 05.09.1984 to 06.08.2009 as plot watcher on a daily wage basis along with regular service rendered from 07.09.2009 till 30.06.2011 with all consequential benefits.

WP (MD) No.18196 of 2017



1. The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 15.
3. The Divisional Forest Officer,
Race Course Road,
Madurai - 625 002.
4. The District Forest Officer,
N.R.T.Nagar,
Theni District.
5. The Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to sanction and disburse pension to the petitioner by counting half of the service rendered by me from 05.06.1981 to 16.10.2003 as plot watcher on a daily wage basis along with regular service rendered from 17.10.2003 till 30.04.2017 with all consequential benefits.

WP(MD)No.18197 of 2017

K.Murugesan

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 15.
3. The Divisional Forest Officer,
Race Course Road,
Madurai - 625 002.
4. The Forest Extension Officer,
Forest Extension Division,
Theni.



5. The Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to sanction and disburse pension to the petitioner by counting half of the service rendered by the petitioner from 01.04.1994 to 17.12.2013 as plot watcher on a daily wage basis along with regular service rendered from 18.12.2013 till 31.05.2017 with all consequential benefits.

In all writ petitions

For Petitioners : Mr.S.Anand Chandrasekar
for M/S.Sarvabhauman Associates

For R1 to R4 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

For R5 : Mr.P.Gunasekaran

COMMON ORDER

These writ petitions have been filed seeking a direction to the respondents to disburse pension by counting half of the service rendered by the petitioners from 05.09.1984 to 06.08.2009; 05.06.1981 to 16.10.2003 and 01.04.1994 to 17.12.2013 respectively as Plot Watchers on a daily wage basis along with the regular service rendered by them from 07.09.2009 to 30.06.2011; 17.10.2003 to 30.04.2017 and 18.12.2013 to 31.05.2017 respectively with all consequential benefits.

2.Heard the learned counsel for the petitioners; the learned Additional Government Pleader for the respondents 1 to 4 and the learned counsel for the fifth respondent.

3.The fourth respondent/District Forest Officer, Madurai, filed counter affidavits, wherein it is stated that the services rendered on a 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.

4.This Court is of the opinion 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 petitioners, would be entitled to addition of 50% of the services rendered as a Plot Watcher on daily wage basis and has 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 services of the petitioners rendered as Plot Watchers on a daily wage basis from 05.09.1984 to 06.08.2009; 05.06.1981 to 16.10.2003 and 01.04.1994 to 17.12.2013 respectively and calculate the pension and pay the same to the petitioners within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-

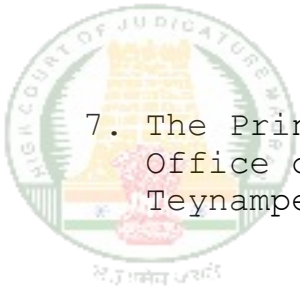
Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St. George,
Chennai - 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.
3. The Divisional Forest Officer,
Race Course Road,
Madurai - 625 002.
4. The District Forest Officer,
Race Course Road,
Madurai - 625 002.
5. The District Forest Officer,
N.R.T. Nagar,
Theni District.
6. The Forest Extension Officer,
Forest Extension Division,
Theni.



7. The Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

+3 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-54563,54564,
54565 [F] dated 18/03/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-54667[F] dated 18/03/2019)

W.P. (MD) Nos.18195 to 18197 of 2017
15.03.2019

mj

AE (26.04.2019) 5P 12C