



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.6426 of 2017

S.Ganesan

... Petitioner

-Vs-

- 1.The Government 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,
Trichirappalli District, Trichirappalli.
- 4.The Accountant General of Tamil Nadu,
O/o. Accountant General,
Theynamepet, Chennai - 600 018.

... 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 3rd respondent to count half of the service rendered by the petitioner as Plot Watcher from 09.08.1983 to 06.08.2009 and the regularized service period as 31.01.2010 - 29.02.2016 of retirement as qualifying service to send the pension proposal to the 4th Respondent for grant of pension with all consequential monitory benefits.

For Petitioner : Mr.S.Gajendran
For R1 to R3 : Mrs.J.Padmavathi Devi
Special Government Pleader
For R4 : Mr.P.Gunasekaran

ORDER

The 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 09.08.1983 to 06.08.2009 as Plot Watcher on temporary basis along with the regular service rendered by him from 31.01.2010 - 29.02.2016 with all consequential benefits.



2. Heard the learned counsel for the petitioner; the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3. The learned Special Government Pleader 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, whereas, 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)**, and held that a similarly placed person like the present petitioner, would be entitled to addition of 50% of the services rendered by him as a Plot Watcher on daily wage basis and ultimately opined that the fixation of cut off date has no rationale. Hence, the learned counsel appearing for the petitioner prayed for a similar order in this writ petition as well.

4. After perusal of the aforesaid judgment, the learned Special Government Pleader appearing for the respondents 1 to 3 has no serious objection in granting such relief to the petitioner.

5. Following 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 09.08.1983 to 06.08.2009 and calculate the pension and pay the same to the petitioner 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 (Writs)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The 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,
Trichirappalli District, Trichirappalli.

4.The Accountant General of Tamil Nadu,
O/o. Accountant General,
Theynamepet, Chennai - 600 018.

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No.52202

+1CC TO MR.S.GAJENDRAN, Advocate Sr. No. 52175

W.P.(MD)No.6426 of 2017

TR (25.04.2019) 3P 7C