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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
and  
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No.1050 of 2015 and  
M.P. No.1 of 2015

- 1.The Government of Tamil Nadu  
Rep. by Secretary to Government  
Forest and Environment Department  
Fort St. George,  
Chennai - 600 009
  - 2.The Principal Chief Conservator of Forests  
Head of Forest Force  
No.1, Jeenis Road  
Panagal Building, Saidapet  
Chennai - 600 015
  - 3.The District Forest Officer/  
Soil Conservation Officer  
Mettur Soil Conservation Scheme  
Dharmapuri - 5  
Dharmapuri Division
  - 4.The District Forest Officer/  
Deputy Director  
Sathyamangalam Tiger Reserve  
Sathyamangalam Division  
Erode District
  - 5.The Accountant General of Tamil Nadu  
Office of the Accountant General  
Anna Salai, Teynampet,  
Chennai - 18
- ... Appellants/Respondents
- vs
- R.Madhu
- ... Respondent/Petitioner



Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 12.06.2015 made in W.P. No.7382 of 2015.

Prayer in W.P.No.7382 of 2015:

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner as Plot Watcher from 01.12.1980 to till 12.05.2003 along with regular service rendered by the petitioner as Forest Watcher from 13.05.2003 to 28.02.2015 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for grant pension with all consequential monetary benefits.

For Petitioner : Mr.R.Neelakandan  
State Govt. Pleader

For Respondent : Mr.M.R.Jothimanian

#### JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court order dated 12.06.2015 made in W.P. No.7382 of 2015. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent, who is the writ petitioner, was appointed as a temporary plot watcher in the services of the third appellant department on 01.12.1980 and his services were regularised on 13.05.2003 and he retired on 28.02.2015. As his services were regularised after 22 years, he prayed for counting of 50% of the temporary services rendered by him along with his remaining service for the purpose of calculating the pension and retiral benefits by filing a writ of mandamus in W.P. No.7382 of 2015. The said writ petition was disposed of, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 11.11.2013. The first appellant was directed to count 50% of service rendered by the writ petitioner before regularisation along with the service rendered after regularisation for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and the judgment stated above and submit a proposal for the terminal benefits for authorisation before the fifth respondent, in a time bound manner. It is also to be noted that the said issue of counting 50% of the temporary services rendered by a person for computing the pensionary benefits is no longer res integra in view of the recent judgment of the Full Bench of this court in the Government of Tamil Nadu and Ors. vs. R. Kaliyamoorthy reported in (2019) 6 CTC 705.



3. However the learned Government Pleader representing the appellants would state that the order passed by the learned single Judge was implemented and given effect vide G.O.(3D) No.22 Environment and Forests (FR-2) Department dated 20.05.2016. The learned counsel appearing for the respondent/writ petitioner also confirms that the order was implemented.

4. In view of the above, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

- 1.The Secretary,  
Government of Tamil Nadu,  
Forest and Environment Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,  
Head of Forest Force,  
No.1, Jeenias Road,  
Panagal Building, Saidapet,  
Chennai - 600 015.
- 3.The District Forest Officer/  
Soil Conservation Officer,  
Mettur Soil Conservation Scheme,  
Dharmapuri - 5.  
Dharmapuri District.
- 4.The District Forest Officer/  
Deputy Director,  
Sathyamangalam Tiger Reserve,  
Sathyamangalam Division,  
Erode District.



5.The Accountant General of Tamil Nadu,  
Office of the Accountant General,  
Anna Salai, Teynampet,  
Chennai - 18.

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+1cc to the Government Pleader (SR No.31450)

W.A. No.1050 of 2015 and  
M.P. No.1 of 2015

BD (CO)  
PR (03/08/2021)