



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM

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

W.A. No.1650 of 2013
and
M.P.No.1 of 2013

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,
Panagal Building,
Saidapet, Chennai - 600 015.
 3. The District Forest Officer,
Tirupattur,
Vellore District.
 4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Teynampet,
Chennai - 18.
- ... Appellants

vs

Dharmalingam ... Respondent

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.3542 of 2012 dated 13.06.2012.

Prayer in W.P.No.3542 of 2012: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, Directing the respondents 1 to 3 to count half of the service rendered by the petitioner on daily wage basis from 01.10.1981 (@) 16.12.2003 and the entire service from 17.12.2003 till the date of retirement of the petitioner on 31.05.2011 in the light



of the dated 19.04.2011 in W.P.No.8207 of 2011 and send the pension proposal to the Fourth respondent and grant pension to the petitioner with all Consequential benefits.

WEB COPY

For Appellants : Mr.R.Neelakandan
State Government Counsel

For Respondent : Mr.S.Mani

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 13.06.2012 made in W.P.No.3542 of 2012. 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 appellant/Forest department on 01.10.1981 and his services were regularised on 17.12.2003 and he retired on 31.05.2011. 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.3542 of 2012. The said writ petition was allowed, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 13.02.2012. The appellants were directed to implement the orders therein 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 State Government Counsel representing the appellants would state that the order passed by the learned single Judge was implemented and given effect vide G.O.(3D)No.39 Environment and Forests (FR-2) Department, dated 03.04.2014. 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 Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

srn

To

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,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Tirupattur,
Vellore District.
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Teynampet,
Chennai - 18.

W.A. No.1650 of 2013
and M.P.No.1 of 2013

LN (CO)
SU (08/09/2021)