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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No.1656 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

R.Muniyammal

... Respondent

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.34440 of 2012 dated 21.12.2012.

Prayer in W.P.No.34440 of 2012: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner's husband as plot watcher on daily wage basis from 01.08.1983 to 06.08.2009 along with the regular service from rendered by him as Forest Watcher from



07.08.2009 till the date of his death viz., 02.11.2011 as qualifying service and send the proposal to the Fourth respondent and grant Family pension to the petitioner with all consequential monetary benefits.

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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 21.12.2012 made in W.P.No.34440 of 2012. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent herein/writ petitioner is the wife of one P.Ramamoorthy (deceased). Her husband was appointed as a temporary plot watcher in the appellant/Forest Department on 01.08.1983 and his services were regularised on 07.08.2009. While working as Forest Watcher, her husband died on 02.11.2011. As his services were regularised after 26 years, she prayed for counting of 50% of the temporary services rendered by her husband along with his remaining service for the purpose of calculating pension and retiral benefits by filing a writ of mandamus in W.P. No.34440 of 2012. The said writ petition was disposed of, 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.

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Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

srn

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