



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

WEB COPY

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

W.A. No.986 of 2015 and M.P. No.1 of 2015

- 1.Government of Tamil Nadu
Rep. by Secretary
Environment and Forest Department
Fort. St. George, Chennai - 600 009
- 2.The Principal Chief Conservator of Forests
Having office at Panagal Maaligai,
Saidapet, Chennai - 600 015
- 3.The District Forest Officer
Thiruvannamalai North Division
Thiruvannamalai District
- 4.The Accountant General of T. Nadu
Office at DMS Compound
Teynampet, Chennai - 18
- 5.Government of Tamil Nadu
Rep. by its Secretary
Finance Department, Secretariat
Chennai - 600 009 ... Appellants/Respondents 1 to 4

vs

Jaya
w/o.Ramamoorthy ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 05.08.2014 made in W.P. No.19989 of 2014.

Prayer in W.P. No.19989 of 2014:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to count half of the service rendered by the petitioners husband Viz. V.Ramamoorthy as Plot Watcher from



07.11.1982 till 04.01.2006 along with regular service rendered by him as Forest Watcher from 05.01.2006 to 27.12.2008 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for granting family 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 05.08.2014 made in W.P. No.19989 of 2014. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent/writ petitioner is the wife of one V.Ramamoorthy. Her husband was appointed as a temporary plot watcher in the services of the third appellant department on 07.11.1982 and his services were regularised on 05.01.2006 and he died in harness on 27.12.2008. As his services were regularised after 23 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 the pension and retiral benefits by filing a writ of mandamus in W.P. No.19989 of 2014. The said writ petition was allowed, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 11.11.2013. The appellants were directed to count half of the service rendered by her husband as plot watcher on daily basis along with regular service rendered by him as the Forest Watcher from 05.01.2006 to 27.12.2008 as qualifying service for calculating pensionary 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.



WEB COPY

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

To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort. St. George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
Having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
- 3.The District Forest Officer,
Thiruvannamalai North Division,
Thiruvannamalai District.
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai - 18.
- 5.The Secretary,
Government of Tamil Nadu,
Finance Department, Secretariat,
Chennai - 600 009.
- 6.The District Forest Officer,
Thiruvannamalai North Forest Division,
Backmarg Pettai, Chenkunam Post Pollur,
Thiruvannamalai District.

+1cc to The Government Pleader (SR No.31448)

W.A. No.986 of 2015 and
M.P. No.1 of 2015

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