



WEB COPY

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.2296 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
Kallakurichi, Villupuram District
 - 4.The Accountant General of T. Nadu
Office of the Accountant General
Teynampet, Chennai - 18
- ... Appellants/Respondents

vs

M.Pakeer Mohammed ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 14.09.2012 made in W.P. No.24945 of 2012.

Prayer in WP 24945 of 2012: This writ petition is filed to under Article 226. The Constitution to issue a writ of Mandamus, directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 1.2.1981 to 10.9.2003 along with regular service rendered by him as Forest Watcher from 11.9.2003 till the date of his retirement on 31.1.2011 as qualifying service, send the revised proposal to the fourth respondent and to grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.C.Jayaprakash
Government Advocate

For Respondent : Mr.S.Mani



JUDGMENT
(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court order dated 14.09.2012 made in W.P. No.24945 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 services of the third appellant department on 01.02.1981 and his services were regularised on 11.09.2003 and he retired on 31.01.2011. 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.24945 of 2017. 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 consider and dispose of petitioner's representation based on the orders passed in the above referred writ appeal 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.37 Environment and Forests (FR-2) Department dated 18.03.2014. 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 civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

asr



To

1.The Secretary to Government
Govt of Tamil Nadu
Forest and Environment
Fort St.George Chennai-9

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RSI (CO)
SB(02/07/2021)