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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.2391 of 2013
and MP 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 Divisional Forest Officer,
Vellore District
Vellore
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Teynampet, Chennai - 18 ... Appellants/Respondents

Vs.

V. Athmanathan ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of Letter Patents Act,
filed praying to set aside the final order dated 13.06.2012 in
W.P.No.2185 of 2012 passed by the learned Single Judge.

Prayer in W.P.No.2185 of 2012:

Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to count half of the service rendered by the petitioner from 1.4.1981 till 14.9.2003 along with regular service rendered by him from 15.9.2003 till 30.6.2011 as qualifying service and send the revised pension proposal to the fourth respondent and to grant pension to the petitioner with all consequential monetary benefits and pass the suitable orders.



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For Appellants : Mr.R.Neelakandan
Government Counsel

For Respondent : Mr.S.Mani

JUDGMENT

(delivered by MRS.PUSHPA SATHYANARAYANA.J.,)

The writ petitioner has sought for a mandamus directing the respondents to count half of the service rendered by him prior to his regularisation for the purpose of grant of pensionary benefits, which was allowed by this Court on 13.06.2012 in W.P.Nos.2185 of 2012 etc., batch, directing the authorities to implement the same within a period of twelve weeks.

2. Aggrieved by the same, writ appeal has been preferred by the State.

3. Even, the learned Single Judge has relied on the order of the Division Bench in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 which was confirmed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Nos.14838 and 14839 of 2012 on 10.5.2012.

4. The question in dispute is no longer res integra as already the Full Bench of this Court in the case of Government of Tamil Nadu vs R.Kaliyamoorthy reported in 2019 (6) CTC 705 has held that any person who has been regularised before the cut-off date i.e., 01.04.2003, is entitled for pension in view of Proviso to Rule 1(2) of the Tamil Nadu Pension Rules, 1978.

5. Admittedly, the respondent was regularised as early as 24.01.1995. In view of the Full Bench Decision of this Court reported in 2019 (6) CTC 705 (Government of Tamil Nadu vs R.Kaliyamoorthy, the order passed by the learned Single Judge is confirmed.

6. It is pertinent to note that pursuant to the order of the learned Single Judge, the Government had implemented the order passed by the learned Single Judge vide Letter No.9988/FR-II/2016-3 dated 16.03.2017.



7. Therefore, nothing survives in this writ appeal. The writ appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sr

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort.St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
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3. The Divisional Forest Officer,
Vellore District
Vellore
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Teynampet, Chennai - 18.

+1cc to the Special Government Pleader Sr.30922

W.A.No.2391 of 2013

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srg 23/07/2021