



WEB COPY

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.1659 of 2018
and CMP No.13359 of 2018

- 1.The Government of Tamil Nadu,
Rep by Secretary to Government,
Environment and Forest Department,
Fort.St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai - 600 015.
3. The Forest Extension Officer,
Forest Extension Division,
P.K.Agaram, Trichy District.
4. The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18 ... Appellants

Vs.

P. Muthu ... Respondent

Prayer: Writ Appeal filed under clause 15 of Letter Patents Act,
filed praying to set aside the final order dated 14.07.2015 in
W.P.No.20420 of 2015 passed by the learned Single Judge.

Prayer in W.P.No.20420 of 2015: Writ Petition filed under
Article 226 of the Constitution of India for the issuance of
writ of Mandamus Directing the respondents 1 to 3 to count the
half of service rendered by the petitioner as Plot Watcher from
01.04.1980 to 31.07.2007 along with the regular service as
Forest Watcher till the date of retirement on 31.03.2015 as
qualifying service for the purpose of conferment of pension and
to direct the respondents to send pension proposal to the fourth
respondent.

For Appellants : Mr.R.Neelakandan
State Government Counsel
For Respondent : Mr.I.Kanna patel



JUDGMENT

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

WEB COPY The writ petitioner has sought for a mandamus directing the respondents to count half of the service rendered by him as Plot Watcher from 01.04.1980 to 31.07.2007 along with the regular service as Forest Watcher till the date of retirement on 31.03.2015 for the purpose of grant of pensionary benefits, which was disposed of by this Court on 14.07.2015 in W.P.Nos.20420 of 2015, directing the authorities to implement the same within a period of eight weeks.

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

3. 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.

4. Admittedly, the respondent was regularised as early as 07.08.2009. 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.

5. It is pertinent to note that pursuant to the order of the learned Single Judge, the Government in G.O.Ms.No.20 dated 28.04.2016 had implemented the order passed by the learned Single Judge.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sr

To

1.The Government of Tamil Nadu,
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Teynampet, Chennai - 18

+1 cc to Special Government Pleader Sr.No. 30930

W.A.No.1659 of 2018

SSV(CO)
B.VC(09.08.2021)