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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

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

W.A. No.1725 of 2018 and
C.M.P. No.13792 of 2018

- 1.The Government of Tamil Nadu
Represented by its Secretary
Environment and Forest Department
Secretariat, Chennai - 600 009
- 2.The Principal Chief Conservator of Forests
having office at Panagal Maaligai
Saidapet, Chennai - 600 015
- 3.The District Forest Officer
Vellore District
- 4.The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet, Chennai - 600 018. ... Appellants/Respondents

vs

M.Radhammal ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 21.07.2015 made in W.P. No.21738 of 2015.

Prayer in W.P.No.21738 of 2015:

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 half of the service rendered by the petitioners Husband as Plot Watcher on daily wage basis from 1.5.1982 to 27.12.2004 along with the regular service rendered by him as Forest Watcher and Forest Guard from 28.12.2004 till the date of his death namely 16.12.2014 as qualifying service send the revised proposal to the 4th respondent grant family pension to the petitioner with all consequential monetary benefits.



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For Petitioner : Mr.R.Neelakandan
For Respondent : State Government Counsel
Mr.S.Mani

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court order dated 21.07.2015 made in W.P. No.21738 of 2015. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent/writ petitioner's husband, was appointed as a temporary plot watcher in the services of the third appellant department on 01.05.1982 and his services were regularised on 28.12.2004 and he died on 16.12.2014, while he was in service. As the services of her husband were regularized after 22 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 terminal benefits by filing a writ of mandamus in W.P. No.21738 of 2015. The said writ petition was allowed, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 13.02.2012 and directed the respondents 1 to 3 therein to count half of the service rendered by the husband of the writ petitioner as Social Forest Watcher on daily wages basis along with regular service rendered by her husband till the date of his death as qualifying service, in a time bound manner.

3. 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.

4. 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.20 Environment and Forests (FR2-2) Department dated 28.04.2016. The learned counsel appearing for the respondent/writ petitioner also confirms that the order was implemented.



5. In view of the above, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Asr
To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
 - 2.The Principal Chief Conservator of Forests,
having office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
 - 3.The District Forest Officer,
Vellore District.
 - 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai - 600 018.
- +1cc to the Special Government Pleader Sr.34114

W.A. No.1725 of 2018 and
C.M.P. No.13792 of 2018

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srg 06/08/2021