



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A. No.1790 of 2018 and
C.M.P. No.14518 of 2018

1. The District Forest Officer,
Thirupathur Division,
Vellore.
 2. The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
 3. The Principal Secretary to Government,
Forest Department,
Secretariat, Chennai - 600 009.
 4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.
- ... Appellants

vs

M.Balaraman ... Respondent

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P. No.24225 of 2014 dated 08.09.2014.

Prayer in W.P. No.24225/2014:

Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to count half of the service rendered by the petitioner, as Plot Watcher on daily wage basis from 1980 to 09.02.2014, along with regular service rendered by him as Mali, from 10.02.2004 till the date of his retirement on 31.05.2014, as qualifying service and to send revised proposals to the fourth respondent for granting pension with all consequential monetary benefits to the petitioner.



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For Appellants : Mr.R.Neelagandan
State Government Counsel
For Respondent : Served - No appearance

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 08.09.2014 made in W.P.No.24225 of 2014. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. Though notice has been served on the respondent, none appears on behalf of the respondent either in person or through counsel.

3. The respondent, who is the writ petitioner, was appointed as a temporary Plot Watcher in the appellant/Forest department in the year 1980 and his services were regularised on 10.02.2014 and he retired on 31.05.2014. As his services were regularised after 34 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.24225 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 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.

4. However the learned State Government Counsel representing the appellants would state that the order passed by the learned single Judge was implemented and given effect vide G.O.(3D)No.5 Environment and Forests (FR2-II) Department, dated 12.01.2018.



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

//True Copy//

Sub Assistant Registrar

rsi

To

1. The District Forest Officer,
Thirupathur Division,
Vellore.
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Forest Department,
Secretariat, Chennai - 600 009.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.

+lcc to the Special Government Pleader(Forest), High Court,
Madras, S.R.No.32087

W.A. No.1790 of 2018
and
C.M.P. No.14518 of 2018

SSV(CO)
PM(04/08/2021)