



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM

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

W.A. No.181 of 2018 and
C.M.P. No.1241 of 2018

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai - 600 015.

3.The District Forest Officer,
Ariyalur Forest Division,
Ariyalur District.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 18.

...Appellants / Respondents

vs

C. Radhakrishnan

...Respondent / Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.19243 of 2015 dated 01.07.2015 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 petitioner as Plot Watcher on daily wage basis from 01.08.1981 till 20.10.2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 21.10.2003 respectively till the date of his retirement namely 31.08.2013 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.



WEB COPY

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

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 01.07.2015 made in W.P.No.19243 of 2015. 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 appellant/Forest department on 01.08.1981 and his services were regularised on 21.10.2003 and he retired on 31.08.2013. 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.19243 of 2015. The said writ petition was disposed of, based on the judgment passed in W.A. Nos.27 and 28 of 2012 dated 13.02.2012. 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 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.22 Environment and Forests (FR-2) Department, dated 30.05.2016. 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-III)

//True Copy//

Sub Assistant Registrar

rsi



To

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

2.The Principal Chief Conservator of Forests,
Having Office Panagal Maligai,
Saidapet, Chennai-15.

3.The District Forest Officer,
Ariyalur Forest Division,
Ariyalur District.

4.The Accountant General of Tamil Nadu,
O/o.DMS Compound,
Teynampet,
Chennai-18.

+1cc to the Special Government Pleader, Sr.No.32181

W.A. No.181 of 2018
and
C.M.P. No.1241 of 2018

RR(CO)
RVM(05/08/2021)