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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

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

W.A. No.1873 of 2018 and
C.M.P. No.15004 of 2018

1. 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,
Perambalur,
Perambalur District.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai - 600 018.

... Appellants / Respondent

vs

V.Paramasivam

... Respondent/Petitioner

Prayer:

Writ Appeal filed under clause 15 of the Letters Patent to set aside the order passed in W.P. No.5483 of 2014 dated 04.09.2014.

Prayer: W.P. No.5483 of 2014

Writ Petition filed under article 226 of the Constitution of India for issuance of a writ of mandamus Directing the respondents to count half of the service rendered by the petitioner as Plot Watcher on Daily Wage Basis from 1.1.1982 till 23.1.1995 along with regular service rendered by him as Forest Watcher from 24.1.1995 till the date of his retirement



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namely, 31.6.2013 as qualifying service, send the revised proposal to the fourth respondent, to grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.R.Neelakandan
State Government Counsel

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court dated 04.09.2014 made in W.P.No.5483 of 2014. 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 services of the third appellant department on 01.01.1982 and his services were regularised on 24.01.1995 and he retired on 31.06.2013. As his services were regularised after 13 years, he prayed for counting of 50% of the temporary services rendered by him along with his remaining service for the purpose of calculating pension and retiral benefits by filing a writ of mandamus in W.P.No.5483 of 2014. The said writ petition was allowed, 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 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 in its letter and spirit.

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 - 600 009.
2. The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Perambalur,
Perambalur District.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai - 600 018.

+1cc to the Government Pleader, S.R.No.34626

W.A. No.1873 of 2018 and
C.M.P. No.15004 of 2018

NMI (CO)
CT/25/08/2021