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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

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

W.A. NO.1989 OF 2018 AND
C.M.P. NO.15831 OF 2018

1.The Government of Tamil Nadu,
Rep 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,
Nilgiris South Division.

4.The Accountant General of Tamil Nadu,
Office of D.M.S.Compound,
Teynampet, Chennai 600 018

... Appellants

vs

P.Rathinam

... Respondent

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 25.09.2014 made in W.P. No.26233 of 2014.

Prayer in W.P. No.26233 of 2014:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the Respondents 1 to 3 to count half of service rendered by the petitioner as Plot Watcher on daily wage basis from 15.01.1983 till 14.04.2008 along with the regular service rendered by him as Forest Watcher from 15.04.2008 till the date of his retirement namely 30.06.2011 as qualifying service and send the revised proposal to the fourth respondent grant pension to the petitioner with all consequential monetary benefits.



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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 order dated 25.09.2014 made in W.P. No.26233 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 15.01.1983 and his services were regularised on 15.04.2008 and he retired on 30.06.2011. As his services were regularised after 28 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.26233 of 2014. 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 count half of the service rendered by the respondent/writ petitioner as Plot Watcher on daily wage basis along with regular service rendered by him as Forest Watcher for calculating pensionary benefits and send proposal to the fourth appellant within a period of eight weeks from the date of receipt of a copy of that order and on receipt of the said proposal, the fourth appellant was directed to consider the same and pass orders within a period of six weeks thereafter. 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.(D) No.05 Environment and Forests (FR2-II) Department dated 12.02.2016.

4. In view of the above, the writ appeal is dismissed. No



costs. Consequently, the connected civil miscellaneous petition is closed.

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s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

srn

To

1. The Secretary to Government,
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,
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PA (CO)
PM (09/09/2021)