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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM

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

W.A.NO.2042 OF 2018

AND

C.M.P.NO.16109 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,
Social Forestry Division,
Tirunelveli.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.
5. Government of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Fort St. George,
Chennai - 600 009.

... Appellants/Respondents

.Vs.

M.Sundarakumar

... Respondent/Petitioner

PRAYER:-

Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 14.08.2014 made in W.P.No.21902 of 2014.



Prayer in W.P.No.21902 of 2014:-

To issue a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Social Forestry Worker on daily wage basis from 22.07.1983 till 23.01.1995 along with the regular service rendered by him as Forest Watcher from 24.01.1995 till the date of his retirement namely 31.07.2013 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.R.Neelakandan
State Government Counsel

For Respondent : -

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court dated 14.08.2014 made in W.P. No.21902 of 2014. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent herein/writ petitioner was appointed as a Social Forestry Worker in the Forest department on 22.07.1983 and his services were regularised on 07.08.2009 and he retired on 29.07.2013. As his services were regularised after 26 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.21902 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 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.5 Environment and Forests (FR2-2) 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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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Asr

To

1. The Secretary,
Environment and Forest Department
Fort St. George,
Chennai - 600 009.
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Chennai - 600 018.
5. The Secretary,
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Chennai - 600 009.

+1cc to the Special Government Pleader(Forests), S.R.No.39995

W.A.NO.2042 OF 2018 AND
C.M.P.NO.16109 OF 2018

AJS (CO)
PBS/08/09/2021