



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM

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

W.A. No.2082 of 2018 and
C.M.P. No.16367 of 2018

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Environment and Forest Department
Fort St. George,
Chennai-9
2. The Principal Chief Conservator of Forests
Head of the Department
Panagal Building,
Saidapet, Chennai - 600 015
3. The Forest Extension Officer
Forest Extension Centre
P.K.Agaram,
Trichy
4. The Principal Accountant General of Tamil Nadu
Teynampet,
Chennai - 18

... Appellants/
Respondents

vs

1.A.Loganathan

2.M.Marudamuthu

... Respondents/
Petitioners

Prayer: Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 05.09.2014 made in W.P. No.23728 of 2014.

Prayer in W.P.No.23728 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
petitioners on temporary basis from the date of joining to the



WEB COPY

date of regularization along with the regular service rendered by the petitioners till their retirement as qualifying service for the purpose of conferment of pension and also to direct the respondents to send the pension proposal to the fourth respondent.

For Petitioner : Mr.R.Neelanakandan
State Govt. Counsel

For Respondent : No Appearance

JUDGMENT
(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court order 05.09.2014 made in W.P. No.23728 of 2014. The appellants herein are the respondents before the writ court and the respondents herein are the writ petitioners.

2. The respondents herein, who are the writ petitioners, were appointed as Social Forestry Worker in the services of the appellants department on 04.11.1982 and 01.08.1981 respectively and their services were regularised on 07.08.2009 and they retired on 31.05.2014 and 30.04.2013 respectively. As their services were regularised after 27 years, they prayed for counting of 50% of the temporary services rendered by them along with their remaining service for the purpose of calculating the pension and retiral benefits by filing a writ of mandamus in W.P. No.23728 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 count half of the services rendered by the writ petitioners as Plot Watchers on daily wage basis with effect from 04.11.1982 and 01.08.1981 till 07.08.2009 along with regular service rendered by them, as qualifying service for calculating pensionary benefits and send proposal to the fourth appellant in the 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 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 (FR.2-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.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

ASR

1. The Secretary to Government
State of Tamil Nadu
Environment and Forest Department
Fort St. George,
Chennai-9
2. The Principal Chief Conservator of Forests
Head of the Department
Panagal Building,
Saidapet, Chennai - 600 015
3. The Forest Extension Officer
Forest Extension Centre
P.K.Agaram,
Trichy
4. The Principal Accountant General of Tamil Nadu
Teynampet,
Chennai - 18

+1cc to M/S Special Government Pleader (Forest), Advocate,
SR.No.40993

W.A. No.2082 of 2018 and
C.M.P. No.16367 of 2018

SRA (CO)
PM(02/09/2021)
PM(15/09/2021)