



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM

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

W.A. No.430 of 2016 and
C.M.P. No.6258 of 2016

1. Government of Tamil Nadu
Rep. by Secretary to Government
Forest and Environment Department
Fort St. George, Chennai - 600 009
2. The Principal Chief Conservator of Forests
No.1, Jeenis Road
Panagal Building, Saidapet
Chennai - 600 015
3. The District Forest Officer
Mettur Soil Conservation Scheme
Dharmapuri Forest Division
Dharmapuri - 5, Dharmapuri District
4. The Accountant General of T. Nadu
Office of the Accountant General
Office at Teynampet, Chennai - 18

... Appellants/Respondent

vs

Mrs.Poorani

... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 11.11.2013 made in W.P. No.29684 of 2013. This Petition filed Under Article 226 of the Constitution of India to directing the respondents to count half of the service rendered by the petitioners husband viz. G.Munusamy as plot watcher from 01/05/1986 to till 06/08/2009 along with regular service rendered by him as forest watcher from 07/08/2009 to 01/12/2012 and qualifying service for pensionary benefits and send the proposal to the 4th respondent for granting family pension with all consequential monetary benefits (WP.No 29684/2013).

For Petitioner : Mr.R.Neelakandan
State Government Counsel



For Respondent : Mr.M.R.Jyothimanian

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

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Challenge in this writ appeal is to the order of the writ court dated 11.11.2013 made in W.P. No.29684 of 2013. The appellants herein are the respondents before the writ court and the respondent herein is the writ petitioner.

2. The respondent/writ petitioner's husband was appointed as a temporary plot watcher in the services of the third appellant department on 01.05.1986 and his services were regularised on 7.8.2009 and he died on 01.12.2012, while he was in service. As his services were regularised after 23 years, she prayed for counting of 50% of the temporary services rendered by her husband along with his remaining service for the purpose of calculating pension and retiral benefits by filing a writ of mandamus in W.P. No.29684 of 2013. 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 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 in its letter and spirit. The learned counsel appearing for the respondent/writ petitioner affirms the statement of the learned Government Pleader.

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 VIII)

//True Copy//

Sub Assistant Registrar

Asr



To

The Secretary to Government
Government of Tamil Nadu
Forest and Environment Department
Fort St. George, Chennai - 600 009

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+1cc to the Government Pleader, S.R.No.31407

W.A. No.430 of 2016 and
C.M.P. No.6258 of 2016

SR(CO)
CT(05/08/2021)