



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM

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

W.A.No.368 of 2014
and
M.P.Nos.1 & 2 of 2014

1. The 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,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Thiruvannamalai North Division,
Thiruvannamalai District.
4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet,
Chennai - 18.

... Appellants

vs

N.Ganesan

... Respondent

Prayer:

Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.26393 of 2013 dated 11.11.2013.

Prayer in W.P.No.26393 of 2013:-

Writ Petition under Article 226 of the Constitution of India praying for issue 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 1.3.1982 till 7.9.2004 along with regular service rendered by him as Forest Watcher from 8.9.2004 till the date of his retirement namely 30.11.2014 as qualifying service send the revised proposal to the 4th respondent to grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.R.Neelakandan
State Government Counsel

For Respondent : Mr.S.Mani

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 11.11.2013 made in W.P.No.26393 of 2013. 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 third appellant/Forest department on 01.03.1982 and his services were regularised on 08.09.2004 and he retired on 30.11.2014. As his services were regularised after 22 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.26393 of 2013. 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 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 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.Ms.No.43 Environment and Forests (FR-2) Department, dated 24.03.2015. The learned counsel appearing for the respondent/writ petitioner also confirms that the order was implemented.

4. In view of the above, the Writ Appeal is dismissed. No



costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Secretary to Government,
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PA(CO)
CT(14/09/2021)