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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM

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

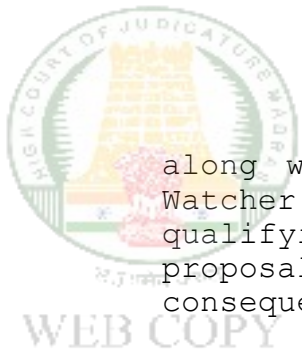
W.A. No.380 of 2014
and M.P. No.1/2014

- 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
Interfaced Forest Division
Krishnagiri, Krishnagiri District
 - 4.The District Forest Officer
Mettur Soil Conservation Scheme
Dharmapuri - 5, Dharmapuri District.
 - 5.The Accountant General of Tamil Nadu
Office of the Accountant General
Office at Teynampet, Chennai - 18 ... Appellants/Respondents
- vs
- S.Nagulasamy ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent against the order dated 17.01.2014 made in W.P. No.33913 of 2013.

Prayer in W.P. No.33913 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 4 to count half of the service rendered by the petitioner as Plot Watcher from 01.06.1986 to till 06.08.2009



along with regular service rendered by the petitioner as Plot Watcher (Supernumery) from 07.08.2009 to 31.05.2010 as qualifying service for pensionary benefits and send the revised proposal to the 5th Respondent for grant pension with all consequential monetary benefits.

For Petitioner : Mr.R.Neelakandan
State Govt. Pleader

For Respondent : Mr.M.R.Jothimanian

JUDGMENT
(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the writ court order dated 17.01.2014 made in W.P. No.33913 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 services of the third appellant department on 01.06.1986 and his services were regularised on 07.08.2009 and he retired on 31.05.2010. As his services were regularised after 23 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.33913 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 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.22 Environment and Forests (FR-2) Department dated 20.05.2016. The learned counsel appearing for the respondent/writ petitioner also confirms that the order was implemented.



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4. In view of the above, the writ appeal is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Asr

- 1.The Secretary,
Government of Tamil Nadu,
Forest and Environment Department,
Fort. St. George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
No.1, Jeenis Road,
Panagal Building, Saidapet,
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Dharmapuri - 5, Dharmapuri District.
- 5.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai - 18.

+1cc to the Government Pleader (SR No.31449)

W.A. No.380 of 2014 and
M.P. No.1 of 2014

BD (CO)
PR (03/08/2021)