

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM

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

W.A. No.126 of 2017
and
C.M.P. No.2113 of 2017

1. The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Thiruvannamalai North Division
at Polur.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.

VS

U. Govindan ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.11941 of 2015 dated 29.01.2016.

Prayer in W.P.No.11941 of 2015:

Praying that to direct the respondent 1 to 3 to count half of the service rendered by the petitioner as plot watcher on daily wage basis from 01/10/1981 till 17/12/2003 along with the regular service rendered by him as Forest Watcher and Forest Guard from 18.12.2003 till the date of his retirement namely 31.7.2015 as qualifying service, send the revised proposal to the 4th respondent, grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.R.Neelagandan
State Government Counsel

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 29.01.2016 made in W.P.No.11941 of 2015. 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 appellant/Forest department on 01.10.1981 and his services were regularised on 18.12.2003 and he retired on 31.07.2015. 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.11941 of 2015. 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 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.(3D)No.44 Environment and Forests (FR-2) Department, dated 29.08.2016.

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 III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Maaligai, Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Thiruvannamalai North Division
Polur.
4. The Accountant General of Tamil Nadu,
DMS Compound,
Teynampet, Chennai - 600 018

+1cc to the Government Pleader, S.R.No.31960

W.A. No.126 of 2017 and
C.M.P. No.2113 of 2017

VM(CO)
HS(03/08/2021)