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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.127 of 2017
and
C.M.P. No.2114 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,
361, Annasalai, Teynampet,
Chennai - 600 018. ... Appellants/Respondents

vs

P.Mani ... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent
praying to set aside the order passed in W.P.No.31768 of 2016
dated 14.09.2016.

Prayer in W.P.No.31768 of 2016:

Praying that to issue writ of Mandamus, directing the
respondents 1 to 3 to count half of the service rendered by the
petitioner as Plot Watcher on daily wage basis from 02.07.1984
till 06.08.2009 along with the regular service rendered by him
as Plot Watcher (Superannuation Post) From 07.08.2009 till the
date of his retirement namely 31.11.2015 as qualifying service
send the revised proposal to the fourth respondent, grant
pension to the petitioner with all consequential monetary
benefits.



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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 14.09.2016 made in W.P.No.31768 of 2016. 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 02.07.1984 and his services were regularised on 07.08.2009 and he retired on 30.11.2015. As his services were regularised after 25 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.31768 of 2016. 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.17 Environment and Forests (FR.2-(II)) Department, dated 26.04.2017.

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

rsi



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,
361, Annasalai, Teynampet,
Chennai - 600 018.

+1cc to The Special Government Pleader, S.R.No.32092

W.A. No.127 of 2017 and
C.M.P. No.2114 of 2017

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