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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.1590 of 2017 and
C.M.P. No.20862 of 2017

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
Head of Forest Force,
No.1, Jeenis Road,
Panagal Building
Saidapet, Chennai - 600 015
3. The District Forest Officer
Forestry Extension Officer,
Forestry Extension Division,
Harur - Dharmapuri,
Dharmapuri District.
4. The District Forest Officer,
Interfaced Forest Division,
Krishnagiri,
Krishnagiri District.
5. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet,
Chennai - 18.

...Appellants/Respondents

vs

M.Srinivasan

...Respondent/Petitioner

Prayer:-

Writ Appeal filed under clause 15 of the Letters Patent
against the order dated 05.08.2014 made in W.P. No.18263 of 2014.



Prayer in W.P.No.18263 of 2014:-

Writ of Mandamus, to Direct the Respondents to count half of the service rendered by the Petitioner as Plot Watcher from 15.7.1982 to till 5.8.2007 along with regular service rendered by the Petitioner as Plot Watcher in the Supernumery Post and Mali from 6.8.2007 to 31.7.2012 as qualifying service for pensionary benefits and send the revised proposal to the 5th Respondent for granting Pension with all consequential monetary benefits.

For Petitioner : Mr.R.Neelagandan
State Government Counsel

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 05.08.2014 made in W.P. No.18263 of 2014. 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 15.07.1982 and his services were regularised on 06.08.2007 and he retired on 31.07.2012. 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 pension and retiral benefits by filing a writ of mandamus in W.P. No.18263 of 2014. 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 State Government Counsel 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 Counsel.



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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

srn

To

1. The Secretary to Government,
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5. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet,
Chennai - 18.

+1cc to the Government Pleader, S.R.No.31961

+1cc to the Special Government Pleader(Forest), S.R.No.32090

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BE(09/08/2021)