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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A. No.1791 of 2017

and

C.M.P. No. 22591 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 Conservator of Forest,
Forest Marabiyal Division,
Coimbatore - 641 043.
4. The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.
5. Government of Tamil Nadu,
Rep. by it Secretary,
Finance Department,
Secretariat, Chennai - 600 009.

... Appellants/Respondents

vs

P. Periyasamy

... Respondent/Petitioner

Prayer: Writ Appeal filed under clause 15 of the Letters Patent
praying to set aside the order passed in W.P.No.11991 of 2015
dated 24.04.2015 Petition presented under Article 226 of the



constitution of India to issue a 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 04.11.1978 till 27.5.2003 along with the regular service rendered by him as Mali from 28.5.2003 till the date of his retirement namely 31.03.2014 as qualifying service, send the revised proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits.

For Appellants : Mr.C.Jayaprakash
Government Counsel

JUDGMENT

(delivered by PUSHPA SATHYANARAYANA, J.)

Challenge in this writ appeal is to the order of the Writ Court dated 24.04.2015 made in W.P.No.11991 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 04.11.1978 and his services were regularised on 28.05.2003 and he retired on 31.03.2014. As his services were regularised after 24 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.11991 of 2015. 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 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.22 Environment and Forests (FR-2) Department, dated 30.05.2016.



4. In view of the above, the Writ Appeal is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

1. The Secretary,
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4. The Accountant General of Tamil Nadu,
DMS Compound, Teynampet, Chennai -18
5. The Secretary, Government of Tamil Nadu,
Finance Department, Secretariat, Chennai-9

+1CC to M/s.Special Government Pleader (Forest), High Court,
Madras, Sr.No.32179

W.A. No.1791 of 2017
and
C.M.P. No. 22591 of 2017

CA (CO)
K.RK. (09.08.2021)