



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.19308 of 2021

M.Rajendran

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 15.
- 3.The Principal Accountant General of Tamil Nadu,
Office of Accountant General,
Teynampet, Chennai - 18.
- 4.The Divisional Forest Officer,
Sivagangai Division,
Sivagangai District.
- 5.The Forest Extension Officer,
Forest Extension division,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th Respondent's Impugned Order in Pa.Aa.No.02/2020/Pal/ dated 06.01.2020 and consequent order in Sae.Mu.Aa.No.6571/2019/Pa dated 23.01.2020 and quash the same as devoid of merits consequently directing the 4th respondent to regularize petitioner's service on completion of 10 years w.e.f., 1996, and to take 50% of the petitioner's 35 years of service as per G.O.(Ms).No.332 from 01.03.1986 to 05.08.2009 as a Plot Watcher, 07.08.2009 to 05.01.2020 as an Supernumerary Plot Watcher and from 23.01.2020 to 21.05.2021 as Permanent Supernumerary Watcher, and directing the respondents to grant the entire service benefits, by considering his representation dated 20.07.2021, within the time frame as stipulated by this Court.

For Petitioner	: Mr.Haja Mohideen
For R1, R2, R4 &R5	: Mr.A.K.Manikkam, Standing Counsel for State.
For R3	: Mr.P.Gunasekaran, Standing Counsel.



ORDER

The Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th Respondent's Impugned Order in Pa.Aa.No.02/2020/Pal/ dated 06.01.2020 and consequent order in Sae.Mu.Aa.No.6571/2019/Pa dated 23.01.2020 and quash the same as devoid of merits consequently directing the 4th respondent to regularize petitioner's service on completion of 10 years w.e.f., 1996, and to take 50% of his 35 years of service as per G.O.(Ms).No.332 from 01.03.1986 to 05.08.2009 as a Plot Watcher, 07.08.2009 to 05.01.2020 as an Supernumerary Plot Watcher and from 23.01.2020 to 21.05.2021 as Permanent Supernumerary Watcher, and directing the respondents to grant the entire service benefits, by considering his representation dated 20.07.2021, within the time frame as stipulated by this Court.

2.The petitioner was appointed as a daily wager at the rate of Rs.175/- per month as a Plot Watcher on 01.03.1986 under the fourth respondent's office. He was promoted as Supernumerary Plot Watcher on 07.08.2009 and subsequently, by impugned proceedings the 3rd respondent has regularized the petitioner with effect from 23.01.2020 as a Supernumerary Plot Watcher. Later, the petitioner had attained the age of superannuation on 31.05.2021. According to the petitioner, he is entitled to the regularization of his service on completion of 10 years of service with effect from 1996 and to take 50% of his 35 years service for pension calculation as per G.O. (Ms).No.332, i.e. from 01.03.1986 to 05.08.2009 as a Plot Watcher, 07.08.2009 to 05.01.2020 as an Supernumerary plot Watcher and from 23.01.2020 to 21.05.2021 as Permanent Supernumerary Watcher. In this regard, the petitioner made representation on 20.07.2021 to the respondents. However, no orders have been passed and the said representation is still pending with the respondents. Hence, the present Writ Petition has been filed before this Court.

3.Mr.A.K.Manikkam, learned Standing Counsel appearing for the respondents 1, 2, 4 & 5 would submit that the issue involved in the present writ petition has been elaborately considered by a Full Bench of this Court in W.A.Nos.158, 314, 315, etc. of 2016 dated 03.12.2019 (***The Government of Tamil Nadu and others versus R.Kaliyamoorthy***), wherein, this Court has held in para 45(iv) & (v) as under:

"45. In the light of the above, we answer the reference as follows:-

(i) to (iii) ,... ..

(iv) (iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of



qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

4. The above decision will squarely apply to the facts of the present case on hand and since the service of the petitioner was regularized on 23.01.2020, he is not entitled to count half of his past service for the purpose of determination of qualifying service for pension.

5. In view of the aforesaid Full Bench Judgment, the petitioner is not entitled for relief as prayed for. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
The Government of Tamil Nadu,
Environment and Forest Department,
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4.The Divisional Forest Officer,
Sivagangai Division,
Sivagangai District.

5.The Forest Extension Officer,
Forest Extension division,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-33361[F] dated 01/11/2021)

W.P (MD) No.19308 of 2021
28.10.2021

SVN(CO)
GC/JGB(17.11.2021) 4P 7C