



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15100 of 2019

Kalimuthu

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by Secretary to the Government
Forest and Environment Department
Fort St. George
Chennai 600 009.

2.The Principal Chief Conservator of Forests
Panagal Building
Saidapet
Chennai.

3.The Divisional Forest Officer,
Social Forest Division
Sivagangai
Sivagangai District.

4.The Accountant General of Tamilnadu
Office of the Accountant General
Teynampet
Chennai. 600 018

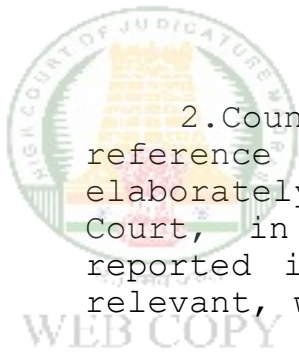
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 to 3 to count half of the service rendered by the petitioner as a plot watcher from 01.08.1983 to 06.08.2009 along with regular service rendered to him as a Forest Watcher from 07.08.2009 to 31.12.2017 as qualifying service for the purpose of conferment of pension and further direction to send a pension proposal to the 4th respondent and further to grant pension based on such proposal with all consequential benefits.

For Petitioner : Mr.A.R.Kannappan
For Respondents : Mr.M.Ramesh for R1 to R3
Government Advocate
Mr.P.Gunasekaran for R4

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to count half of the service rendered by the writ petitioner as Plot Watcher.



2.Counting of 50% of the temporary service of an employee with reference to Rule 11(4) of the Tamil Nadu Pension Rules 1978 was elaborately considered by the Hon'ble Full Bench of the Madras High Court, in the case of State of Tamil Nadu v. P.Kaliyamoorthy reported in 2019 (6) CTC 705. Paragraph 41 of the judgment is relevant, which reads as follows:

"41. Thus, a government servant who may have been appointed before the cut-off date of 31.03.2003 may be entitled to government pension if he satisfies the requirement of qualifying service in Rule 3(o) of the Tamil Nadu Pension Rules, 1978. However, such a person will not be entitled to add half of the past service held in any one of the four capacity mentioned above prior to 01.04.2003 since his regularisation is subsequent to the cut off date. Therefore, only those who were appointed prior to 01.04.2003 whether as temporary appointment but in accordance with Rule 10 (a) (i) alone will be entitled to get pension."

3.In view of the above judgment, the case of the writ petitioner cannot be considered, as the principles laid down do not permit to do so by the authorities. Accordingly, the writ petition stands dismissed. It is made clear that the pension as applicable to the writ petitioner in accordance with the pension rules is to be paid by following the procedures as contemplated. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Secretary to the Government
Forest and Environment Department
Fort St. George
Chennai 600 009.

2.The Principal Chief Conservator of Forests
Panagal Building
Saidapet
Chennai.



3.The Divisional Forest Officer,
Social Forest Division
Sivagangai
Sivagangai District.

4.The Accountant General of Tamilnadu
Office of the Accountant General
Teynampet
Chennai. 600 018.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-11647[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11192[F] dated 10/03/2022)

W.P. (MD) No.15100 of 2019
09.03.2022

RS (29.03.2022) 3P-7C