



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.04.2022**

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.22698 of 2019

K.Peraman ... Petitioner
Vs.

- 1.The State 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 District Forest Officer,
Pudukottai Forest Division, Pudukottai District.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01/09/1982 to 20/01/1995 on temporary basis along with the regular service from 21/01/1995 till the date of retirement on 30/06/2020 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and Commuted Value of pension to the 4th respondent under old pension scheme to authorize the same with all other consequential benefits within time frame

For Petitioner : Mr.K.Jenitha
For Respondents 1 to 3 : Mr.M.Ramesh
Government Advocate for RR1 to 3
For R4 : Mr.P.Gunasekaran, Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.09.1982 to 20.01.1995 on



temporary basis along with the regular service from 21.01.1995 till the date of retirement on 30.06.2020 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and Commuted Value of pension to the 4th respondent under old pension scheme to authorize the same with all other consequential benefits within time frame.

2. The petitioner was appointed as Plot Wacher on temporary basis. He was subsequently absorbed as regular employee and he is working as of now on account of extension of service granted by the Government. The grievances of the petitioner is that the temporary service rendered by him as Plot Watcher is to be taken into consideration for the purpose of counting the qualifying service, as per Rule 11(4) of the Tamil Nadu Pension Rules. The learned counsel appearing for the petitioner reiterated that 50% of services are to be reckoned as qualifying service.

3. This Court is of the considered opinion that as per Rule 11 (4) of the Tamil Nadu Pension Rules, 50% of temporary service shall be taken into consideration for the purpose of calculating the qualifying service. The Hon'ble Full Bench of this Court has also settled the principles in the case of **the Government Of Tamil Nadu vs R. Kaliyamoorthy** reported in **2019 6 CTC 705**. Thus, the Authorities have to verify the service records of the petitioner and take a decision based on Rule 11(4) of the Tamil Nadu Pension Rules and by following the principles laid down by the Hon'ble Full Bench of this Court. In this regard, the third respondent is directed to verify the service records of the petitioner and consider the eligibility and accordingly, pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is at liberty to submit a fresh representation setting out all the facts and circumstances to the third respondent within a period of two weeks from the date of receipt of a copy of this order.

4. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The State 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 District Forest Officer,
Pudukottai Forest Division, Pudukottai District.

4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.

+1 CC to M/s.K. JENITHA, Advocate (SR-21747[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21854[F] dated 27/04/2022)

W.P. (MD) No.22698 of 2019
26.04.2022

_SS/25.05.2022 : 3P/7C