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Writ Petition No.28353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28353 of 2024

D.Arumugam

... Petitioner

Vs.

1.The State of Tamil nadu

Rep. By the Principal Secretary to Government,
Environment, Climate Change and Forests Department,
Fort St. George,
Secretariat, Chennai 600 009

2. The Principal Chief Conservator of Forests,

Head of Forest Force,
Guindy, Velacherry main Road,
Guindy, Chennai – 600 032.

3. The District Forest Officer,

Vellore Forest Division,
Vellore 9
Vellore District.

4. The Accountant General of Tamil Nadu,

Office of the Accountant General,
Annasalai, Teynampet,
Chennai 600 018

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner as plot watcher from 10.01.1986 to till 23.01.1995 along with regular service rendered



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by him as Forest Watcher from 24.01.1995 to 31.07.2017 as qualifying service for full pensionary benefits and send the proposal to the 4th respondent for grant full pension with all consequential benefits.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to count half of the service rendered by the petitioner as plot watcher from 10.01.1986 to till 23.01.1995 along with regular service rendered by the petitioner as Forest Watcher as qualifying service for full pensionary benefits and send the proposal to the 4th respondent for grant of pension with all consequential benefits.

2. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing for respondents.

3. The case of the petitioner is that he was appointed as a plot watcher on 10.01.1986 in the Forest department. His name was also



included in the State Wide Seniority list of plot watcher and Social Village Forest Workers of the 2nd respondent for regular appointment.

Thereafter, the petitioner was regularized in the post of Plot watcher in Supernumerary post in the time scale of pay and appointed as a Forest Watcher on 01.08.2013. The service of the petitioner was regularized after 26 years.

4. The petitioner retired from service on 31.07.2017 without any pensionary benefits. The petitioner filed a writ petition in WP No.4027 of 2018 for regularizing his service on par with his juniors and the same was considered vide order dated 02.03.2018. Thereafter, the 1st respondent issued GO Ms.No.08 and regularized the service of the petitioner from 24.01.1995.

5. The grievance of the petitioner is that half of his service as plot watcher from 10.01.1986 to 23.01.1995 has not been calculated and included along with the regular service as per Rule 11(2) of Tamil Nadu Pension Rules, 1978. The petitioner made a representation in this regard. Since the same did not evoke any response, the present writ petition has been filed before this Court.



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6. The petitioner while making that representation relied upon the judgement of the Hon'ble Full Bench in the case of ***[Government of Tamil Nadu Vs.R.Kaliyamoorthy]*** reported in **2019 (6) CTC 705** wherein the Hon'ble Full Bench held that the employees who were appointed and regularized in their service before 01.04.2003, must be taken into consideration and half of services rendered should be counted for the purpose of conferment of pensionary benefits.

7. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the respondents to consider the representation made by the petitioner on 26.12.2023 and deal with the same on its own merits and in line with the order passed by Hon'ble Full Bench of this Court and final orders shall be passed within a period of 12 weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order.



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9. This writ petition is disposed of with the above directions. No costs.

30.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

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