



WEB COPY



Writ Petition No.28357 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 30.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.28357 of 2024**

K.Ramu

... 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,

Thirupathur Forest Division,  
Tirupathur, Tirupathur 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 01.10.1984 to till 23.01.1995 along with regular service rendered by



Writ Petition No.28357 of 2024

him as Forest Watcher and Forest Guard from 24.01.1995 to 30.09.2024 as qualifying service for full pensionary benefits and send the proposal to the 4<sup>th</sup> 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 01.10.1984 to 23.01.1995 along with regular service rendered by the petitioner as plot watcher as qualifying service for full pensionary benefits and send the proposal to the 4<sup>th</sup> 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 01.10.1984 in the Forest department. His name was also included in the State Wide Seniority list of plot watchers/Social Village



Writ Petition No.28357 of 2024

Forest Workers of the 2<sup>nd</sup> 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 24.01.1995. The service was regularized after 26 years.

4. The petitioner retired from service on 30.09.2023 without any pensionary benefits. The petitioner filed a writ petition No.3439 of 2021 for promotion on par with his juniors and the same was considered vide order dated 18.02.2021. Thereafter, the 1<sup>st</sup> respondent issued Government letter and the services of the petitioner was regularized from 24.01.1995.

5. The grievance of the petitioner is that half of his service as plot watcher from 01.10.1984 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.



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 09.06.2024 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.



Writ Petition No.28357 of 2024

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

rka

To

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,  
Thirupathur Forest Division,  
Tirupathur, Tirupathur District.

4. The Accountant General of Tamil Nadu,  
Office of the Accountant General,  
Annasalai, Teynampet,  
Chennai 600 018

**N.ANAND VENKATESH.,J**

**rka**



WEB COPY



Writ Petition No.28357 of 2024

**Writ Petition No.28357 of 2024**

**30.09.2024**