



WEB COPY



W.A.No.1469 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.1469 of 2019

and

CMP.No.10045 of 2019

1. The Government of Tamil Nadu
Represented by its Secretary
Environment and Forest Department,
Secretariat, Chennai-600 009.
2. The Principal Chief Conservator of Forests
Having Office at Panagal Maaligai,
Saidapet, Chennai-600 015.
3. The District Forest Officer,
Kodaikanal Division, Kodaikanal.
4. The Accountant General of Tamil Nadu
Office at DMS Compound,
Teynampet, Chennai-600 018.

... Appellants

Vs.

S.Kumara Gurubaran

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order passed in WP.No.11984 of 2015 dated 24.04.2015 and allow the present Writ Appeal.

For Appellants : Mr.R.Neelakandan
Additional Advocate General

For Respondent : No Appearance



W.A.No.1469 of 2019

J U D G M E N T

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[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The State preferred the present Writ Appeal challenging the writ order dated 24.04.2015. The respondent filed a writ petition to count half of the services rendered by the petitioner/respondent as Plot Watcher on daily wage basis from 27.11.1982 till 29.03.2007 along with the regular service rendered by him in the post of Forest Watcher from 30.03.2007. The relief sought for in the writ petition itself would indicate that the services of the writ petitioner/respondent in the post of Plot Watcher was regularised in the sanctioned post with effect from 30.03.2007. Admittedly, the respondent was appointed as Plot Watcher on daily wage basis in the Forest Department on 27.11.1982. Considering the long services rendered by the daily wage Plot Watchers, the Government granted the benefit of regularization with effect from 30.03.2007 in the sanctioned post.

2. Counting of half of the services of daily wages employees can be considered under Section 11(4) of The Tamil Nadu Pension Rules, 1978. In the case of the respondent/writ petitioner, the Tamil Nadu Pension Rules, 1978 is not applicable since his services were regularised in the post of Forest Watcher on 30.03.2007 and he is falling under the new pension scheme i.e.,



W.A.No.1469 of 2019

Contributory Pension Scheme. Since the services of the respondent is falling under Contributory Pension Scheme, he is not eligible to avail the benefits of Section 11(4) of the Tamil Nadu Pension Rules 1978 (Old Pension Scheme). The Tamil Nadu Pension Rules itself has no application with reference to the employees whose services were regularised after the cut off date on 01.04.2003. That being the factum, the respondent is not entitled to claim the benefit of counting of half of the services under Section 11(4) of the Tamil Nadu Pension Rules 1978. The application of the Tamil Nadu Pension Rules 1978 has not been considered by the learned Single Judge and therefore, we are inclined to interfere.

3. Accordingly, the Writ order impugned dated 24.04.2015 passed in WP.No.11984 of 2015 is set aside and consequently, the Writ Appeal stands allowed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]
11.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



WEB COPY



W.A.No.1469 of 2019

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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W.A.No.1469 of 2019

11.06.2024