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WA Nos.1365 and 1368 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA Nos.1365 and 1368 of 2019

1.The Government of Tamil Nadu,
rep. By Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai 600 009

2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai 600 015

3.The District Forest Officer,
Vellore, Vellore District -09

4.The Accountant General of Tamil Nadu
Office of the Accountant General,
Teynampet, Chennai 18

: Appellants in
WA Nos.1365 and
1368 of 2019

versus

P.Saratha

: Respondent in
WA No.1365 of 2019

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Respondent in
WA No.1368 of 2019

PRAYER in WA No.1365 of 2019 : Writ Appeal filed against order of the learned Single Judge in WP No.19736 of 2015 dated 06.07.2015.

PRAYER in WA No.1368 of 2019 : Writ Appeal filed against order of the learned Single Judge in WP No.19237 of 2015 dated 01.07.2015.

For the Appellant : Mr.R.Neelakandan,
Additional Advocate-General,
assisted by Mr.P.Balathandayutham,
Special Government Pleader

For the Respondent : No appearance for sole respondent
in WA Nos.1365 and 1368 of 2019

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The writ appeals are filed against the orders of the learned Single Judge in WP Nos.19736 and 19237 of 2015 dated 06.07.2015 and 01.07.2015 respectively.



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2. Brief facts of the case:

WA No.1365 of 2019

2.1. The husband of the respondent in WA No.1365 of 2019 had served as plot watcher in the forest department on daily wage basis from 01.12.1980 to 06.05.2002. Subsequently, he was brought to regular scale as Forest Watcher on 07.05.2003. He died on 30.04.2014, while in service. The grievance of the respondent herein is that 50% of the service rendered by her husband, prior to regularization is not taken into account for the purpose of pension and other benefits, as per Rule 11(2) of the Tamil Nadu Pension Rules. Aggrieved over the same, the respondent filed the writ petition in WP No.19736 of 2015 before the Writ Court. The Writ Court, by order dated, 06.07.2015, had disposed of the writ petition, with a direction to the first appellant to count 50% of service rendered by the respondent's husband before regularization along with the service rendered after regularization for the purpose of family pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules. Challenging the said order, the appellant Department has filed the present court appeal.



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2.2. The respondent in WA No.1368 of 2019 had served as plot watcher in the forest department on daily wage basis from 01.04.1981 to 07.09.2004. Subsequently, he was brought to regular scale as Forest Watcher on 08.09.2004. He retired on 31.03.2015. The grievance of the respondent is that 50% of the service rendered by him prior to regularization is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. Aggrieved over the same, the respondent filed the writ petition in WP No.19237 of 2015 before the Writ Court. The Writ Court, by order dated, 01.07.2015, had disposed of the writ petition, with a direction to the first appellant to count 50% of service rendered by the respondent before regularization of service rendered in the Department for the purpose of pension benefits and other terminal benefits in accordance with Rule 11(2) of the Tamil Nadu Pension Rules. Challenging the said order, the appellant Department has filed the present intra court appeal.



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3. Learned Additional Advocate General appearing for the appellants

would submit that following the decision of the Hon'ble Supreme Court in SLP Nos.14838 and 14839 of 2012 dated 10.05.2012, the Government has passed Order in G.O.No.183, Environment and Forests (FR-2) Department dated 18.07.2012, wherein it is stated that employees who have served as plot watcher on daily wage basis from 1980 to 2003 have been brought under the regular scale of pay as forest watcher subject to availability of the vacancies.

4. Learned Additional Advocate General for the appellants further submitted that the names of the respondent's husband in WA No.1365 of 2019 and the respondent in WA No.1368 of 2019 have already been included in the seniority list drawn by the Department and placed at Serial Nos.1065 and 1909 respectively in the State vide seniority list, for the purpose of counting 50 % of service rendered by them as per Rule 11(2) of the Tamil Nadu Pension Rules. He further submits that similarly placed persons also have been granted similar relief by taking into consideration the service rendered by them as a daily rated employee as per Section 11 (2)



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of the Tamil Nadu Pension Rules. Therefore, in view of the subsequent event taken place as directed by writ court, nothing survives for adjudication in the present appeals and therefore the appeals are liable to be dismissed as infructuous.

5. In view of the submissions made by the learned Additional Advocate General for the appellants, nothing survives for further adjudication in the appeals and consequently, the writ appeals stand dismissed as infructuous. There shall be no order as to costs. Consequently, CMP Nos.9347 and 9361 of 2019 are closed.

[D.K.K., J.] [K.B., J.]
29.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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and
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(mrn)

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