



W.P.(MD)No.17133 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17133 of 2024

C.Subbaraj

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government
Environment, Climate Change and Forest Department,
Fort. St. George, Chennai,
Tamil Nadu State - 600 009.

2.The Principal Chief Conservator of Forest &
Head of Forests
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu State - 600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to notionally regularize the petitioner service by relaxing the rules from date of initial appointment as a Plot Watcher on daily wage basis as qualifying service for the purpose of getting pension and family pension by giving relaxation on par with the petitioner's junior namely R.Sridhar S.W.S.No. 5396 with effect from 08.03.1999 in the light of the Supreme Court



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Judgment delivered in C.A.No.6798 of 2019 dated 02.09.2019 and orders passed in W.P.No.21627 of 2021 and W.P.(MD).No.12258 of 2024 dated 07.10.2021 and 12.06.2024 respectively and to confer all consequential pensionary benefits by the way of the petitioner's representation to the respondent within a time frame.

For Petitioner : Mr.T.Kannapatel
For Respondents : Mr.S.Shamugavel
Additional Government Pleader

ORDER

Heard Mr.I.Kannapatel, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has been appointed as Plot Watcher on full time basis from 01.01.1991 onwards and his S.W.S. number is 5289. The petitioner's grievance is that though his junior's service was regularized and given with pensionary benefit, he was not given with similar benefits. It is claimed that similarly placed persons have already filed W.P.No. 21627 of 2021 and got orders in their favour. Subsequent Government



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Order issued in G.O.Ms.No.131 Personnel and Administrative Reforms (F) Department, dated 28.11.2020, also stated that those persons, who have attained the age of superannuation before regularization orders were issued, cannot be deprived from getting the benefits of regularization and pensionary benefits and orders were issued for giving notional regularization even post superannuation.

3. The issue on hand is no more *res integra*. This Court in an earlier writ petition in W.P.(MD)No.15339 of 2024 dated 10.07.2024, after discussing various Judgments of the Apex Court and this Court, has passed the following order.

*"8.In fact, the above G.O.Ms.No. 131 Personnel and Administrative Reforms (F) Department, dated 28.11.2020 has been issued following the judgment of the Constitution Bench of the Hon'ble Supreme Court in **State of Karnataka v. Uma Devi** reported in **2006(4) SCC 1**. The cumulative effect of the judgment would only crystallize the decision that the employees, who have entered into work-charged establishment, shall be considered as persons rendered regular services. Even according to the dictum laid down in **State of Karnataka v. Uma Devi**, the persons, who have rendered 10 years of service in such establishment, should also be regularized as stated in **Prem Kumar Singh Vs State of Uttar***



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Pradesh (CA No. 6798 of 2019 dated 02.09.2019), where, the Hon'ble Suupreme Court has gone one step ahead and held that if the very service of the employee is rendered in the work-charged establishment, it has to be considered as regular service and hence, they are entitled to count the service rendered in the work-charged establishment for the purpose of pensionary benefits.

9.In the result, this petition is allowed and the respondents are directed to regularize the service of the petitioners notionally. After the completion of 10 years of service, initial appointment as plot watcher and count the same along with the regular service for the purpose of pensionary benefits in the light of orders of Supreme Court rendered in CA 679 of 2019 and in light of various judgments of High Court following the same and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. No costs. "

4. The petitioner has been appointed as Plot Watcher as early as on 01.01.1991 and thereafter as Supernumerary Plot Watcher on 04.06.2016 and he retired as Forest Watcher on 29.02.2020. Even though his junior was granted with the benefit of regularization and pensionary benefits, the petitioner was not granted with those benefits. In view of the Judgments referred above, the petitioner is obviously entitled to the benefit of notional regularization and pensionary benefits.



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5. In view of the above stated reasons, this writ petition is **allowed** and the respondents are directed to regularize the service of the petitioner notionally after the completion of 10 years of service from the date of the initial appointment as Plot Watcher and count the same along with the regular service for the purpose of pensionary benefits in the light of the orders of the Apex Court rendered in C.A.No.6798 of 2019 and in light of various judgments of the High Court following the same and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. No costs.

26.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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