

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.10165 OF 2015

A. Pandi

.. Petitioner

Vs.

- 1 State of Tamil Nadu
Rep by Secretary Forest Department Fort St.
George Chennai
 - 2 The Principal Chief
Conservator of Forests Panagal Building
Saidapet Chennai
 - 3 The Conservator of Forests
Megalai Animal Forest Division Theni
Madurai District
 - 4 The Ranger
Social Forest Thirusuzhi (E)
Kulasekaranallur
- ... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the 1 to 2 respondents to count half of the temporary service from 1.8.1983 to 30.10.2008 along with permanent service from 1.11.2008 to 28.2.2015 as qualifying service for the purpose of pension and other retirement benefits and pay all pensionary benefits and pension and arrears of pension to the petitioner.

For Petitioner : Mr.K. Vasudevan

For Respondents : Mr. N. Inbanathan
Government Advocate (Forests)

O R D E R

With the consent of learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner joined service as Plot Watcher on 01.08.1983 and continued to serve as such till 28th February 2015. His service was regularised in the said post by the proceedings of the District Forest Officer, Theni dated 01.11.2008, in the light of the orders passed by this Court dated 14.06.2006 in W.P. No. 2574 of 2005.

3. It is stated that the petitioner joined duty in the said post on 01.11.2008 and retired from service on 28.02.2015. It is further stated that the petitioner had rendered continuous service from 01.08.1983 to 28.02.2015 and as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, the petitioner is entitled to count half of the service rendered by him on daily wage basis i.e. from 01.08.1983 to 30.10.2008 for calculating pension. In this regard, the petitioner submitted a representation dated 24.07.2014 to take into account half of the service rendered by him from 01.08.1983 to 30.10.2008 on daily wage basis along with regular service as Plot Watcher from 01.11.2008 to 28.02.2015, in the light of several decisions of this Court in W.P.No.41624 of 2006 dated 30.09.2010; W.P.No.12656 of 2013 dated 18.06.2014 and W.P.No.33732 of 2014 dated 13.02.2015 Judgment dated 30.11.2010.

4. Taking into consideration the aforesaid Judgments and also Rule 11(2) of the Tamil Nadu Pension Rules, the Writ Petition is allowed and the first respondent is directed to count half of service rendered by the petitioner on daily wage basis along with his regular service from 01.11.2008 to 28.02.2015 to reckon with the total qualifying service for pension and sanction pensionary benefits under the Tamilnadu Pension Rules 1978 and disburse all terminal benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Secretary
Forest Department Fort St. George Chennai
 - 2 The Principal Chief
Conservator of Forests Panagal Building
Saidapet Chennai
 - 3 The Conservator of Forests
Megalai Animal Forest Division Theni
Madurai District
 - 4 The Ranger
Social Forest Thirusuzhi (E) Kulasekaranallur
- +1 cc to Mr.K.Vasudevan, Advocate, SR.19278
- +1 cc to Spl.Government Pleader, SR.19356.