IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.11939 OF 2015

V.Adhi Moolam .. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. By its Secretary
Environment and Forest Department
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forest
Having office at Panagal Maaligai
Saidapet, Chennai - 600 015.

3.The Conservator of Forests
Tamil Nadu Forest Training Village
Vaigai Dam, Coimbatore.

4.The Accountant General of Tamil Nadu
Office at DMS Compound,
Teynampet, Chennai - 600 018. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.12.1983 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary post) and Forest Watcher from 07.08.2009 till the date of his retirement namely 30.04.2015 as qualifying service, send the revised proposal to the fourth respondent, grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Mani

For Respondents 1to3 : Mr.N.Inbanathan
Government Advocate (Forests)

For Respondent 4 : Mr.V.Vijaya Shankar

O R D E R

Heard both sides. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice for the respondents 1 to 3 and

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Mr.V.Vijaya Shankar, learned counsel takes notice for the fourth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Plot Watcher on 01.12.1983 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Plot Watcher (Supernumerary post) on 07.08.2009. He was promoted as Forest Watcher on 21.12.2010. He retired from service on 30.04.2015.

3.The grievance of the petitioner is that 50% of the services rendered by him prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11 (2) of the Tamil Nadu Pension Rules. He has relied on a decision of the Division Bench of this Court in W.A.NOS.27 AND 28 OF 2012 DATED 13.02.2012 (GOVERNMENT OF TAMIL NADU REP. BY ITS SECRETARY TO GOVERNMENT VS. M.GOPAL) which was confirmed by the Honourable Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, I have also passed an order in detail to count 50% of service rendered before regularisation in the case of P.CHINNIYAN VS. STATE OF TAMIL NADU [2014 (6) MLJ 316]. In this regard, the petitioner made a representation dated 10.09.2013 to the respondents 1 and 2.

4.In these circumstances, the writ petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the judgments, referred to above and submit proposal for the terminal benefits for authorisation before the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Secretary
Government of Tamil Nadu
Environment and Forest Department
Secretariat, Chennai - 600 009.

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4.The Accountant General of Tamil Nadu
Office at DMS Compound,
Teynampet, Chennai - 600 018.

+1 cc to Government Pleader,SR.29337

+1 cc to M/s.S.Mani, Advocate,SR.29240.

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