

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12696 of 2015

M.Lakshmanan
S/o.Munusamy

...Petitioner

vs.

1. The State of Tamil Nadu represented by its Secretary to Government, Forest and Environment Department, Fort St.George, Chennai - 600 009.
2. The Principal Chief Conservator of Forest, Panagal Building, Saidapet, Chennai - 600 015.
3. District Forest Officer, District Forest Office, Dharmapuri Division, Dharmapuri District.
4. District Forest Officer, Interfroce Forestry Division, Krishnagiri District.
5. The Principal Accountant General of T.N. Accounts and Entitlement, O/o.The Accountant General, Teynampet, Chennai - 600 018.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings No.Na.Ka.No.7231/2014/PA2 dated 12.02.2015 and fifth respondent in proceedings No.Pen21/1/Ppt.6347/14-15/153081 dated 26.02.2015, quash the same and consequently direct the respondents 1 to 3 to count half of the service rendered by the petitioner from the date of joining in service as plot watcher on 01.01.1986 to 06.08.2009 along with regularized service rendered by the petitioner from 07.08.2009 to 16.03.2014 and forest watcher from 17.03.2014 to 31.10.2014 as qualifying service and send the revised proposal to the fifth respondent to grant pension with all consequential service benefits and arrears with interest.

For Petitioner : Mr.P.Rajesh

For Respondents : Mr.N.Inbanathan
Government Advocate (Forest) [R1 to R4]
Mr.V.Vijayashankar [R5]

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Petitioner was appointed as a plot watcher on 01.01.1986 on daily wage basis. He was regularized in service with effect from 07.08.2009. He retired from service on 31.10.2014 as a Forest watcher. Since he rendered less than ten years of regular service, pension was declined by the order of the third respondent dated 12.02.2015. In view of the order passed by the third respondent, the fifth respondent also did not authorise pension by order dated 26.02.2015. The petitioner has filed this writ petition to quash those orders and to issue a direction to the respondents 1 to 3 to pay pension as per Rule 11(2) of the Tamil Nadu Pension Rules by counting 50% of the services rendered on daily wage basis before regularisation along with regular service.

3. The matter is covered by various decisions of this Court including my judgment in W.P.No.24236 of 2013 dated 18.06.2014. In the said case, I have held that 50% of the daily wage service before regular service shall be counted for the purpose of pension.

Accordingly, this Writ Petition is allowed and the impugned orders are quashed. Accordingly, the third respondent is directed to

send a revised proposal for pension to the fifth respondent within four weeks from the date of receipt of a copy of this order and the fifth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar
gm

To

1. The Secretary to Government,
Forest and Environment Department,
Fort St.George, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
District Forest Office,
Dharmapuri Division,
Dharmapuri District.
4. The District Forest Officer,
Interfroce Forestry Division,
Krishnagiri District.
5. The Principal Accountant General of T.N.
Accounts and Entitlement,
O/o.The Accountant General,
Teynampet, Chennai - 600 018.

- 1 CC to Mr.P.Rajesh, Advocate SR.No. 23278
1 CC to the Government Pleader, SR.No. 23587
1 CC to Mr.V.Vijayashankar, Advocate SR.No. 24057

W.P.No.12696 of 2015

KU (CO)
PSI (19.05.2015)