

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15882 of 2015

K.Gopal

... Petitioners

Vs.

1.Government of Tamil Nadu,
Rep. by its Principal Secretary to Government
Forest and Environment Department,
Fort St.George,
Chennai 600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Jeenis Road,
Panagal Building,
Saidapet, Chennai - 15.

3.The District Forest Officer
Hosur Forest Division,
Hosur,
Krishnagiri District.

4.The District Forest Officer
The Nilgiris Forest Division,
Udhagamandalam,
The Nilgiris District.

5.The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai 600 018.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner as plot watcher from 01.06.1982 to till 23.04.2005 along with regular service rendered by the petitioner as Forest Watcher on from 24.08.2005 to 30.04.2011 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for grant pension with all consequential monetary benefits.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.N.Inbanathan
Government Advocate

O R D E R

Heard both sides. By consent of both the parties the writ petition is taken up for final disposal since the matter is covered by various decisions of this Court.

2.The petitioner joined as a Plot Watcher on 01.06.1982. Later, he was regularised as Forest Watcher on 24.08.2005. He retired from service on 30.04.2011. His grievance is that he is not paid pension by counting 50% of service rendered prior to his regularisation. The petitioner has relied on Rule 11(2) of the Tamil Nadu Pension Rules and also the judgment of this Court dated 03.08.2012 in W.P.No.21051 of 2012. The said judgment was implemented by the first respondent department by issuing G.O.Ms.No.139 dated 05.09.2013. I also passed an order dated 18.06.2014 in W.P.No.12656 of 2013 in similar circumstances to count half of the service rendered prior to regularisation.

3.In view of the aforesaid facts, the writ petition is disposed of directing the first respondent to count 50% of the service rendered by the petitioner prior to regularisation and to pay terminal benefits including pension, within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1.The Principal Secretary to Government
Forest and Environment Department,
Fort St.George,
Chennai 600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
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3.The District Forest Officer
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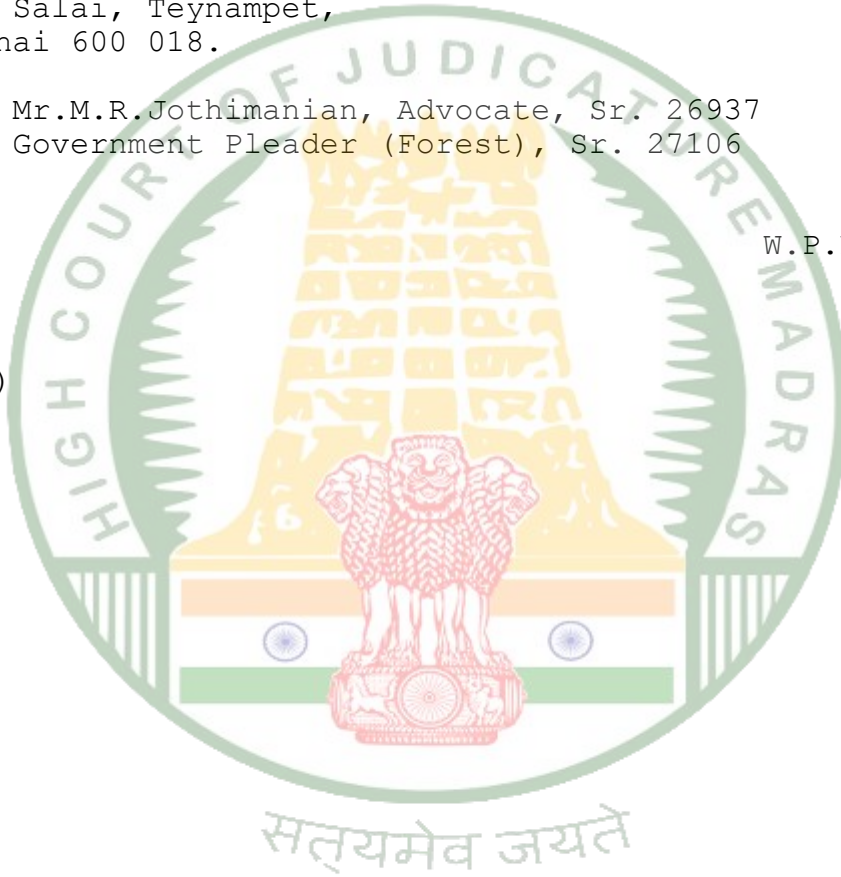
4.The District Forest Officer
The Nilgiris Forest Division,
Udhagamandalam,
The Nilgiris District.

5.The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai 600 018.

1 cc to Mr.M.R.Jothimanian, Advocate, Sr. 26937
1 cc to Government Pleader (Forest), Sr. 27106

W.P.No.15882 of 2015

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