

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.16994 OF 2015

G.Sivamalai

.. Petitioner

Vs.

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

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

3.The District Forest Officer
Villupuram.

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's husband from 01.08.1985 to 06.08.2009 on daily wage basis along with his regular service from 07.08.2009 till 21.03.2014, the date prior to his death on 22.03.2014, so as to enable the petitioner to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposal to the fourth respondent, direct the fourth respondent to pay family pension to the petitioner with all consequential benefits.

For Petitioner	:	Mr.S.Mani
For Respondents 1-3	:	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

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's husband was appointed as Plot Watcher on 01.08.1985 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Plot Watcher (Supernumerary post) on 07.08.2009. Subsequently, he was promoted as Forest Watcher on 07.06.2013. He died on 22.03.2014.

3.The grievance of the petitioner is that 50% of the services rendered by her husband 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. The petitioner 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 05.04.2014 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's husband 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.

सत्यमेव जयते

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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

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

3.The District Forest Officer
Villupuram.

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

+1 cc to Mr.S.Mani, Advocate, Sr.29239

+1 cc to Spl.Government Pleader, SR.29339.

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