

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.17278 OF 2015

Varathammal

.. Petitioner

Vs.

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

2.The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.

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

4.The District Forest Officer
Dharmapuri Forest Division
Dharmapuri,
Dharmapuri District.

5.The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, 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 4 to count half of the service rendered by the petitioner's husband viz., R.Ramasamy as Plot Watcher from 01.04.1981 to till 04.09.2003 along with regular service rendered by him as Forest Watcher and Forest Watcher from 05.09.2003 to 20.08.2012 as qualifying service for pensionary benefits and send the proposal to the fifth respondent for granting family pension with all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian
For Respondents 1-4 : Mr.N.Inbanathan
Government Advocate (Forests)
For Respondent 5 : 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 4 and Mr.V.Vijaya Shankar, learned counsel takes notice for the fifth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner's husband viz., Late. Ramasamy was appointed as Plot Watcher on 01.04.1981 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Forest Watcher on 05.09.2003. He was promoted as Forest Guard on 16.09.2010. He died on 20.08.2012.

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 family pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. She 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 also made a representation dated 02.12.2014 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 family 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 fifth respondent, within a period of twelve 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

//True Copy//

Sub Assistant Registrar

TK
To

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Environment and Forest Department
Fort St. George,
Chennai - 600 009.
 - 2.The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road,
Panagal Maligai, Saidapet,
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 - 3.The District Forest Officer
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Hosur, Krishnagiri District.
 - 4.The District Forest Officer
Dharmapuri Forest Division
Dharmapuri,
Dharmapuri District.
 - 5.The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, Teynampet,
Chennai - 600 018.
- +1cc to Mr.M.r. Jothimanian, Advocate, S.R.No.32055
+1cc to the Government Pleader, S.R.No.32014

BVR(CO)
EU(21/07/2015)

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