IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.19241 OF 2015

G.Moorthy .. 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 District Forest Officer
   Chennai Beautification Division
   DMS Campus, Teynampet,
   Chennai - 600 018.

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 Social Forestry Worker on daily wage basis from 01.09.1984 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 07.08.2009 respectively till the date of his retirement namely 30.06.2015 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 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

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respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner was appointed as Social Forestry Worker on 01.09.1984 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Social Forestry Worker on 07.08.2009. Subsequently, he was promoted as Forest Watcher on 01.12.2010. He retired from service on 30.06.2015.

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 also made a representation dated 01.03.2015 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 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.

TK

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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

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

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3. The District Forest Officer
   Vellore.

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

+ 1 cc to Mr.S.Mani, Advocate SR 32411

+ 1 cc to Special Govt.Pleader (F) SR 32592

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