

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.19626 of 2015

S.Subramani

.. Petitioner

vs.

1. The State of Tamil Nadu,
rep. 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. The Deputy Conservator of Forest,
Agro Forestry (R) Division,
Forest Quarters Back Side,
Yercaud Road, Salem-7.
4. Forest Ranger,
Aforestation Range,
Cheyyar - 604 407.
Thiruvannamalai District.
5. The Principal Accountant General of T.N.
Accounts and Entitlement,
O/o.The Accountant General,
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 services rendered by the petitioner from the date of joining in service as Plot Watcher on 01.11.1978 to 02.06.2003 along with regularized service rendered by the petitioner as Mali from 03.06.2003 to 30.06.2008 based on the proceedings of the third respondent in Proceedings No.53/07-PA, dated 10.01.2008 and Na.Ka.No.2092/07-PA, dated 24.01.2008 and consequential direction to sent revised proposal of the 5th respondent to grant pension with all consequential pensionary benefits and arrears with interest from date of retirement of the petitioner.

For Petitioner : Mr.P.Rajesh

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forests) for RR 1 to 4

Mr.Vijayashankar for R5

O R D E R

Heard both sides.

2. According to the petitioner, he served as Plot Watcher on daily wage basis as full time Plot Watcher from 01.11.1978 to 02.06.2003. Subsequently, he was regularised as Mali on 03.06.2003. He retired from service on 30.06.2008.

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. The petitioner has relied on the decision of the Hon'ble 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 Hon'ble 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, reported in (2014) 6 MLJ 316.

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 the terminal benefits for authorization before the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fifth respondent is directed to authorize the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

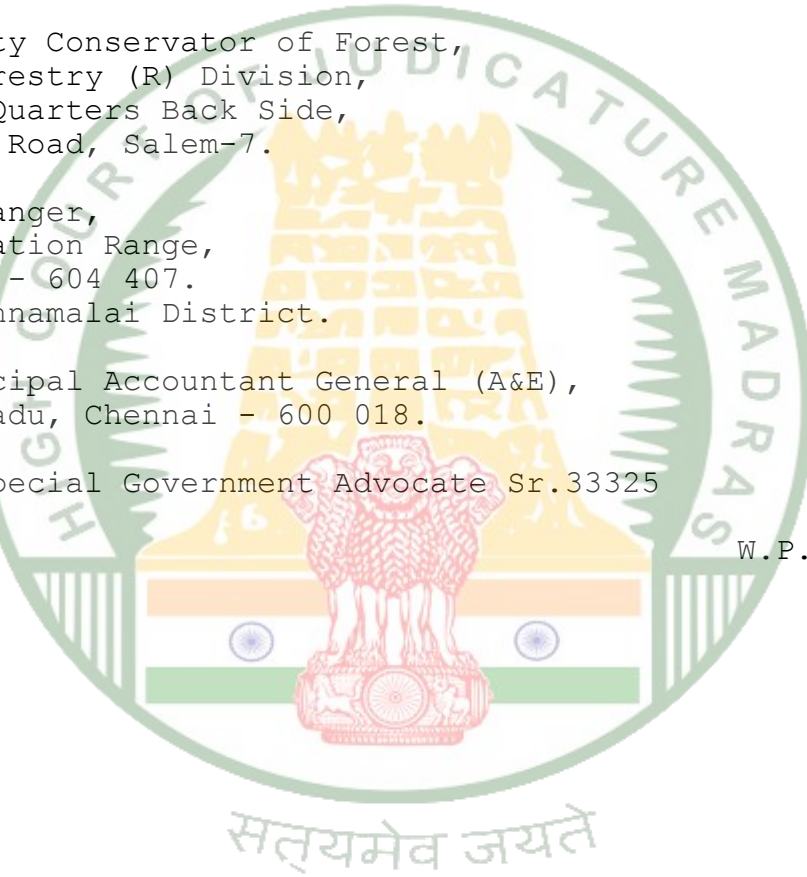
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To

1. The Principal Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
 2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 600 015.
 3. The Deputy Conservator of Forest,
Agro Forestry (R) Division,
Forest Quarters Back Side,
Yercaud Road, Salem-7.
 4. Forest Ranger,
Aforestation Range,
Cheyyar - 604 407.
Thiruvannamalai District.
 5. The Principal Accountant General (A&E),
Tamil Nadu, Chennai - 600 018.
- + 1 cc to Special Government Advocate Sr.33325

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PUR(CO)
Eu 28.08.15



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