

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19627 of 2015

C.Govindasamy

.. 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 District Forest Officer,
District Forest Office,
Thirupathur Division,
Thirupathur.
- 4.The District Forest Officer,
Mettur Soil Conservation Scheme (MSCS),
Industrial Forestry Range,
Dharmapuri Distgriect.
- 5.The Principal Accountant General of
Tamil Nadu,
Accounts and Entitlement,
O/o the Accountant General,
Teynampet, Chennai-600 018.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.09.2014 and further directing respondents 1 to 4 to count half of the service rendered by the petitioner from the date of his joining in the service as Plot Watcher from 01.03.1978 to 16.04.1991 along with service rendered by the petitioner as Forest Watcher from 17.04.1991 to 31.04.1992 and 01.07.1997 to 12.12.2998 and send the revised proposal to the fifth respondent to grant pension with all consequential pension benefits from the date of his retirement and arrears with interest.

For Petitioner : Mr.P.Rajesh
For Respondents : Mr.N.Inbanathan
Government Advocate for R1 to R4

Mr.V.Vijayshankar for R5

ORDER

Mr.N.Inbanathan, learned Government Advocate, takes notice for respondents 1 to 4.

2. The petitioner was appointed as Plot Watcher in the Forest Department on daily wages on 01.03.1978. Without regularising his service, the petitioner was called for an interview, in and by the proceedings of the third respondent dated 17.04.1991, and was promoted as Forest Watcher and worked in the said promoted post from 17.04.1991 to 01.04.1992. From April, 1992 to June, 1997, he was stopped from service and was reinstated from service only on 01.07.1997. The petitioner retired from service on 12.12.2008, but no pension is paid to him. In such circumstances, the petitioner made representation on 18.09.2014 seeking pension and till date, no order has been passed on the said representation. Therefore, the petitioner has filed the present writ petition.

3. At the time of hearing, the learned counsel appearing for the petitioner submitted that if the services of the petitioner as Plot Watcher and thereafter as Forest Watcher are taken into consideration by regularising his service, he is entitled to pension. The petitioner made a representation on 18.09.2014 for payment of pension. Therefore, in the facts and circumstances of the case, the petitioner may be permitted to make a fresh representation for regularisation of service.

4. In these circumstances, the petitioner is permitted to make a representation to the first respondent for regularisation of his service. As and when such representation is received, the first respondent is directed to consider and pass orders on the said representation within a period of twelve weeks from the date of receipt of a copy of this order, taking into account that the similarly situated persons are regularised.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/gg

To

- 1.The Secretary to Government,
State of Tamil Nadu,
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 District Forest Officer,
District Forest Office, Thirupathur Division,
Thirupathur.
 - 4.The District Forest Officer,
Mettur Soil Conservation Scheme (MSCS),
Industrial Forestry Range,
Dharmapuri District.
 - 5.The Principal Accountant General of
Tamil Nadu, Accounts and Entitlement,
O/o the Accountant General,
Teynampet, Chennai-600 018.
- + 1 cc to Special Government Public (Forst) Sr.33325
+1 cc to M/s.P.Rajesh, Advocate, sr.33223 (05/10/2015)
+1 cc to Special Government Pleader, (Forest) sr.33326 (28/10/2015)
+1 cc to Mr.V.Vijay Shankar, Advocate, sr.33570 (28/10/2015)

W.P.No.19627 of 2015

PUR(CO)
Eu 28.08.15

सत्यमेव जयते

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