

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.19628 of 2015

R.Elumalai

.. 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. Forest Ranger,  
Social Forestry Range,  
Vandavasi, Thiruvannamalai District.
4. Additional Block Development Officer,  
Peranamallur.
5. The Wildlife Warden,  
The Wildlife Warden Officer  
Mudhumalai Wildlife Zoo & National Park,  
Ooty.
6. The District Forest Officer,  
Thiruvannamalai South Forest Division,  
Thiruvannamalai (D.T.).
7. 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 6 to count half of the services rendered by the petitioner from the date of joining in service as Plot Watcher on 13.05.1982 to 27.12.2004 along with regularized service rendered by the petitioner as Forest Watcher from 28.12.2004 to 31.05.2012, further direction to

send the revised proposal to the seventh respondent to grant pension with all consequential pensionary benefits arrears with interest from the petitioner's date of retirement.

For Petitioner : Mr.P.Rajesh  
For Respondents : Mr.N.Inbanathan,  
Govt. Advocate (Forests) for RR 1 to 6  
Mr.Vijayashankar for R7

O R D E R

Heard both sides.

2. According to the petitioner, he served as Plot Watcher full daily wage basis as full time Plot Watcher from 13.05.1982 to 27.12.2004. Subsequently, he was regularised as Forest Watcher on 28.12.2004. He retired from service on 31.05.2012.

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 seventh respondent, within a period of eight weeks from the date of receipt of a copy of this order and the seventh respondent is directed to authorize the same within a period of two weeks thereafter. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg

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 Forest Ranger,  
Social Forestry Range,  
Vandavasi, Thiruvannamalai District.
4. The Additional Block Development Officer,  
Peranamallur.
5. The Wildlife Warden,  
The Wildlife Warden Officer  
Mudhumalai Wildlife Zoo & National Park,  
Ooty.
6. The District Forest Officer,  
Thiruvannamalai South Forest Division,  
Thiruvannamalai (D.T.).
7. The Principal Accountant General (A&E),  
Tamil Nadu, Chennai - 600 018.

+1cc to Mr.V. Vijay Shankar, Advocate, S.R.No.53569

+1cc to the Government Pleader, S.R.No.33325

PUR(CO)  
EU(28/08/2015)

सत्यमेव जयते

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