IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.20594 of 2015

P.Sakthivel .. 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 Building,
Saidapet, Chennai - 600 015.

3. The District Forest Officer,
Kallakurichi Division,
Villupuram District.

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 Plot Watcher on daily wage basis from 16.09.1985 till 06.08.2009 along with the regular service rendered by him as Plot Watcher (Supernumerary Post) and Forest Watcher from 07.08.2009 to 21.06.2013 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 : Mr.N.Inbanathan,
Govt. Advocate (Forests) for RR 1 to 3

Mr.Vijayashankar for R4

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O R D E R

Heard both sides.

2. According to the petitioner, he served as Plot Watcher from 16.09.1985 to 06.08.2009 on daily wage basis. Subsequently, he was regularised as Plot Watcher (Supernumerary Post) on 07.08.2009. He was promoted as Forest Watcher on 29.06.2013. 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. 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 fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorize the same within a period of two weeks thereafter. No costs.

सत्यमेव जयते

Sd/--
Asst.Registrar (CS IV)

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Sub Asst. 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 District Forest Officer,
   Kallakurichi Division,
   Villupuram District.

4. The Accountant General of TamilNadu
   DMS Compound, Teynampet,
   Chennai-600 018

+1 cc to Mr.S.Mani, Advocate sr.34985
+1 cc to Special Government Pleader sr.35005

W.P.No.20594 of 2015

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