

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.22249 of 2015

S.Sundaramurthy

...Petitioner

vs.

1. Government of Tamil Nadu,
rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Forest Extension Divisional Officer,
Tiruvavur District, Tiruvavur.
4. The Accountant General of Tamil Nadu,
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 3 to count half of the service rendered by the petitioner as Forest Watcher from 16.10.1982 till 06.08.2009 along with the regular service rendered by him as a Mali from 07.08.2009 to till 31.07.2014 as qualifying service and send the proposal to the fourth respondent and to grant pension with all consequential benefits.

For Petitioner : Mr.K.Sanjay
For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forests)
for RR 1 to 3

Mr.Vijayashankar for R4

O R D E R

Heard both sides.

2. According to the petitioner, he was appointed as Plot Watcher on 16.10.1982 and he was posted as Mali on 07.08.2009 in the time scale of pay. He retired from service on 31.07.2014.

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.

Sd/-
Assistant Registrar (CS-III)

//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 and
Head of Forest Force,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Forest Extension Divisional Officer,
Tiruvallur District, Tiruvallur.
4. The Accountant General of Tamil Nadu,
O/o.The Accountant General,
Teynampet, Chennai - 600 018.

1 CC to the Government Pleader, SR.No. 22246

1 CC to Mr.K.Sanjay, Advocate SR.No. 22246

1 CC to Mr.Vijayashankar, Advocate SR.No. 37753

W.P.No.22249 of 2015

PA (CO)
PSI (01.09.2015)

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