

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.24630 of 2015

K.Kalaiselvi

... Petitioner

vs

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Environment and Forest Department
Fort St. George, Chennai 9.
2. The Principal Chief Conservator of
Forest & Head of the Department
Panagal Building
Saidapet, Chennai 15.
3. The Divisional Forest Officer
Social Forestry Division
Trichy
4. The Principal Accountant General of
Tamil Nadu
Teynampet, Chennai 18

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to count half of service rendered by the petitioner's husband on temporary basis from 3.11.1983 to the date of regular employment i.e., 6.8.2009, along with the regular service rendered by the petitioner's husband till the date of his death i.e., 2.2.2010, as qualifying service for the purpose of conferment of family pension and also directing them to send the pension proposal to the fourth respondent.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan
Government Advocate
for RR1 to 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that her husband joined the services of the Forest Department as a Social Forestry Worker on 3.11.1983, through Employment Exchange and at that point of time, he is a B.A. Graduate. It is further stated by the petitioner that under G.O.Ms.No.64, Environment and Forest Department, dated 8.3.1999, a State Wide Seniority List of Plot Watchers/Social Forestry Workers, who are employed on daily wages/consolidated basis, was directed to be prepared and the individuals be appointed as Forest Watchers/Malis in the existing and future vacancies according to their seniority while relaxing the recruitment and other stipulations and accordingly, the name of the petitioner's husband was included in the State Wide Seniority List in Serial No.3139, and the Government thereafter, thought fit to regularise their services and accordingly, passed G.O.Ms.No.95, Environment and Forest Department, dated 7.8.2009, and in terms of the said G.O., the services of the petitioner's husband was brought into regular time scale of pay in supernumerary post.

3.It is further stated by the petitioner that her husband died on 2.2.2010, due to heart attack and she, thereafter, submitted a representation dated 24.9.2010, praying for settlement of pension and other dues. The petitioner, by placing reliance upon G.O.(D) No.183, Environment and Forest Department, dated 18.7.2012, would also state that in respect of the persons similarly placed, 50% of the temporary service was ordered to be counted along with regular service, for the purpose of pension and therefore, prays for appropriate orders.

4.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the G.O.(3D) NO.44, Environment and Forest Department, dated 30.4.2014, and would submit that in similar facts and circumstances, four persons had filed W.P.No.34704/2012 for the similar relief and it was ordered and in compliance of the said order, the above said G.O. came to be issued and hence, there cannot be any impediment on the part of the respondents 1 to 3 to consider her claim also.

5.The Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 3, also.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, permits to the petitioner to submit one more representation to the respondents 1 to

3 by enclosing a copy of this order as well as copies of her earlier representation dated 5.4.2014, and G.O.(3D) No.44, Environment and Forest Department, dated 30.4.2014, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 to 3, on receipt of the same, are directed to consider it and pass orders in accordance with law, within a period of twelve weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Environment and Forest Department
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4. The Principal Accountant General of
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Teynampet, Chennai 18

+1cc to Mr.K.Jenitha, Advocate, S.R.No.41506

+1cc to the Special Government Pleader(Forest), S.R.No.41558

W.P.No.24630 of 2015

CA(CO)

CA(27/08/2015)