

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.27220 OF 2014

Thethe

.. Petitioner

Vs.

1.Government of Tamil Nadu
Rep. by its Principal Secretary to Government
Environment and Forest Department
Fort St. George,
Chennai - 600 009.

2.The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.

3.The District Forest Officer
Harur Forest Division
Harur,
Dharmapuri District.

4.The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, 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 to count half of the service rendered by the petitioner's husband viz., T.Therththan as Plot Watcher from 01.12.1986 to till 06.08.2009 along with regular service rendered by him as Plot Watcher in the supernumerary post from 07.08.2009 to 17.03.2010 as qualifying service for pensionary benefits and send the proposal to the fourth respondent for

granting family pension with all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian

For Respondents 1-3 : Mr.N.Inbanathan
Government Advocate (Forests)

For Respondent 4 : Mr.V.Vijaya Shankar

O R D E R

Heard both sides. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice for the respondents 1 to 3 and Mr.V.Vijaya Shankar, learned counsel takes notice for the fourth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2.The petitioner's husband viz., T.Theththan was appointed as Plot Watcher on 01.12.1986 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Plot Watcher in the supernumerary post on 07.08.2009. He died on 17.03.2010.

3.The grievance of the petitioner is that 50% of the services rendered by her husband prior to regularisation is not taken into account for the purpose of family pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. He has relied on a decision of the 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 Honourable 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 [2014 (6) MLJ 316]. In this regard, the petitioner also made a representation dated 25.08.2013 to the respondents.

4.In these circumstances, the writ petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner's husband before regularization along with the service rendered after regularization for the purpose of family 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 authorisation before the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Environment and Forest Department
Fort St. George,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road,
Panagal Maligai, Saidapet,
Chennai - 600 015.
- 3.The District Forest Officer
Harur Forest Division
Harur,
Dharmapuri District.
- 4.The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, Teynampet,
Chennai - 600 018.

+1cc to M/S.M.R.Jothimanian, Advocate SR.32053

W.P.NO.27220 OF 2014

srg 24/11/2015

WEB COPY