

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.2610 of 2015

C.Durairaj

...Petitioner

Vs.

1. State of Tamil Nadu rep. By Secretary
Forest Department,
Fort St. George, Chennai.
2. The Principle Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai.
3. The Divisional Forest Officer,
Social Forest Division, Trichy District. ...Respondents

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 as Plot Watcher on daily wage basis from 01.11.1984 to 21.09.2011 along with regular service from 22.09.2011 to 31.11.2014 as qualifying service for the purpose of pension and other retirement benefits and to pay all pensionary benefits and pension and arrears of pension to the petitioner.

For Petitioner : Mr.K.Vasudevan

For Respondents : Mr.N.Inbanathan
Government Advocate for Forests

O R D E R

The petitioner was initially engaged as temporary Plot Watcher by the Forest Department. The engagement was on 01.11.1984. Subsequently, his services were regularized with effect from 22.09.2011. The petitioner attained superannuation on 31.11.2014. Since his earlier service was not taken into account, the respondents denied him pension and other retirement benefits. The petitioner submitted a representation to the second respondent dated 28.03.2013 requesting to count his earlier service for sanctioning pension and other benefits. The present request is to direct the second respondent to consider the said representation in the light of the earlier order passed by this

2. The petitioner has come up with a claim that he was initially engaged as Plot Watcher on 01.11.1984. The engagement continued up to 22.09.2011, the date on which his services were regularized. In case, the earlier period is taken into account, the petitioner would qualify the required service for pension and other benefits.

3. This court considered a similar question raised by the Plot Watchers and by an order dated 11.11.2013 in W.P.Nos.11857 of 2010 etc., batch directed the respondents to count the earlier service rendered by the Plot Watchers along with regular service for the purpose of fixing pension and other benefits. The petitioner is similarly situated and as such, he is also entitled to the benefit of the said order.

4. In the result, a writ in the nature of writ of mandamus is issued, directing the second respondent to consider the representation dated 28.03.2013 submitted by the petitioner to count half of the earlier service rendered by him as Plot Watcher for the purpose of calculating pension and other retirement benefits. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

svki

To

1. The Secretary
Forest Department,
Fort St. George, Chennai.
2. The Principle Chief Conservator of Forests,
Panagal Building, Saidapet, Chennai.
3. The Divisional Forest Officer,
Social Forest Division, Trichy Division.

1 cc to Mr.K. Vasudevan, Advocate, sr. 11652

1 cc to Special Government Pleade (Forest), Sr. 11635

W.P.No.2610 of 2015

BVR (CO)

kk.12/3