

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.NO.28454 OF 2014

Lakshiamma

.. 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
Hosur Forest Division
Hosur,
Krishnagiri 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., Narasimman as Plot Watcher from 01.05.1981 to till 20.10.2008 along with regular service rendered by him as Forest Watcher in the regular post from 21.10.2008 to 31.01.2014 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., Late. Narasimman was appointed as Plot Watcher on 01.05.1981 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Forest Watcher on 21.10.2008. He retired from service on 31.01.2014 and died on 16.03.2014.

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 pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. She 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 10.08.2014 to the first respondent.

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 pension and 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

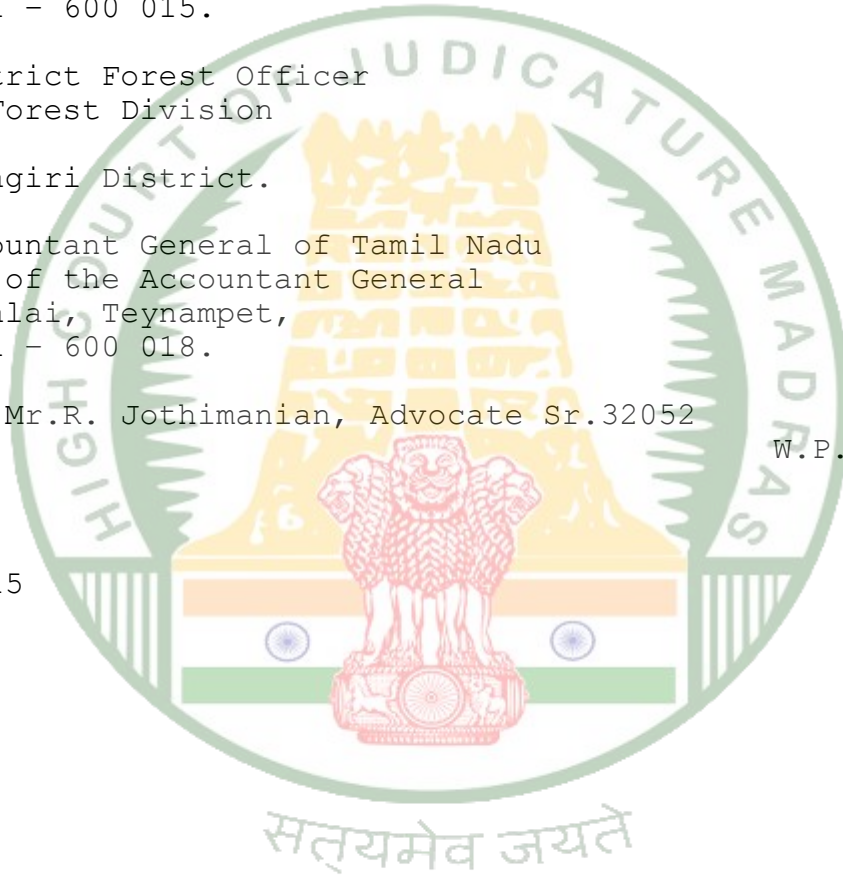
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To

- 1.The Principal Secretary to Government
Government of Tamil Nadu
Environment and Forest Department
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 - 2.The Principal Chief Conservator of Forests
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No.1, Genies Road,
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 - 4.The Accountant General of Tamil Nadu
Office of the Accountant General
Anna Salai, Teynampet,
Chennai - 600 018.
- + 1 cc to Mr.R. Jothimanian, Advocate Sr.32052

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Eu 28.07.15



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