

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28721/2015

Sulochana

...Petitioner

Versus

1. The Secretary
State of Tamil Nadu
Forest Department,
Chennai 600009.
2. The Principal Chief Conservator of Forests,
Panagal Maligai
Saidapet, Chennai 600 015.
3. The Divisional Forest Officer
Social Forestry Division,
Vellore, Vellore District.
4. The Accountant General of Tamil Nadu
Office of Accountant General,
Teynampet, Chennai 600 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner's husband from 01.10.1983 to 06.08.2009 on daily wage basis along with regular service rendered by him from 07.08.2009 as plot watcher [supernumerary post] till 20.09.2014 the date prior to his death on 21.09.2014 as to get family pension and consequently direct the respondents 1 to 3 to send revised pensionary proposals to the 4th respondent and direct the 4th respondent to pay family pension to the petitioner with all consequential benefits.

For Petitioner : Mr.P.Ganapathy

For RR 1 to 3 : Mr.N.Inbanathan, GA[Forests]

For R4 : Mr.V.Vijayshankar

O R D E R

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

2 The petitioner would state that her husband was a Social Forestry Worker/Plot Watcher in the office of the 3rd respondent and he joined the service on 01.10.1983 on daily wage basis. It is further stated that in terms of G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, the respondents have drawn a State wide seniority list of Plot Watchers/Social Forestry Workers for the purpose of bringing them into regular service and the name of the petitioner's husband was included in Sl.No.3054 in the State wide list and he was brought into regular service as Plot Watcher by creating supernumerary post in accordance with G.O.Ms.No.95 of the very same Department dated 07.08.2009. It is further stated that her husband died in harness on 21.09.2014 and no family pension has been paid in accordance with Rule 11 [2] of Tamil Nadu Pension Rules, 1970 and half of the service rendered by the petitioner's husband will have to be taken into consideration for conferring the pensionary benefits. In this regard, the petitioner has submitted a representation dated 23.04.2015 to the respondents and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner has drawn the attention of this Court to the order dated 08.08.2014 made in WP.No.21402/2014 and would submit that in similar facts and circumstances, this Court has directed the respondents therein to count half of the service rendered by the husband of the petitioner therein as Plot Watcher on daily wage basis along with regular service as Plot Watcher [supernumerary post] and treat as his qualifying service for calculating pensionary benefits with a further direction to send necessary proposal to the respondent concerned and was directed to pass orders within a stipulated time and hence, prays for similar orders.

4 This Court heard the submissions of N.Inbanathan, learned Government Advocate [Forests] who accepts notice for the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel who accepts notice for the 4th respondent.

5 This Court, in the light of the above facts and circumstances, directs the 3rd respondent to consider the representation dated 23.04.2015 submitted by the petitioner in accordance with law and taking note of the above cited order passed in WP.No.21402/2014 and forward the proposal to the 1st respondent

within a period of four weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said proposal sent by the 3rd respondent on merits and in accordance with law, within a further period of ten weeks thereafter and communicate the decision taken to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary
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Forest Department,
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Office of Accountant General,
Teynampet, Chennai 600 018.

1 CC to Spl. Government Pleader (Forest), SR.No. 49823

W.P.No.28721/2015

SV(CO)
PSI (07.10.2015)