

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.18679 of 2014

A.Durairaj

... Petitioner

Vs.

1. Government of Tamil Nadu,
represented by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai - 600 009.
 2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.
 3. The District Forest Officer,
Dindigul Division, Dindigul.
 4. The Principal Accountant General (A&E),
Tamil Nadu, Chennai - 600 018. **
- Respondents

** R4 impleaded as per order of the Court
dated 11.06.2015 made in M.P.Nos.1 of 2015
in W.P.Nos.18679 of 2014 and 15753 of 2015

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents to take into account 50% of the services of the petitioner as Social Forestry Worker from 1979 to 2007 along with the regular service of the petitioner from July 2007 to 31.05.2014 to reckon the total qualifying service for granting pensionary benefits to the Petitioner and to disburse the revised pension with arrears thereon, the same within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forests)
for RR 1 to 3

Mr.Vijayashankar for R4

O R D E R

Heard both sides.

2. According to the petitioner, he joined the Forest Department as Social Forestry Worker during 1979. Later, he was absorbed to regular establishment as Mali in the Forest Department with effect from 19.07.2007 pursuant to the order issued by the Principal Chief Conservator of Forest, the second respondent herein. Thereafter, he was further promoted as Forest Guard on 03.05.2013. He retired from service on 31.05.2014.

3. The aforesaid facts are admitted in the counter-affidavit filed by the District Forest officer, Dindigul Division, Dindigul.

4. The grievance of the petitioner is that he was not paid pension and if 50% of the services rendered by him prior to regularisation is taken into account along with regular service for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules, he is entitled to pension. He has relied on the decision of the Hon'ble 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 Hon'ble 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, reported in (2014) 6 MLJ 316.

5. In these circumstances, the writ petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the regular service rendered after regularization for the purpose of 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 authorization before the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorize the same within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

gg

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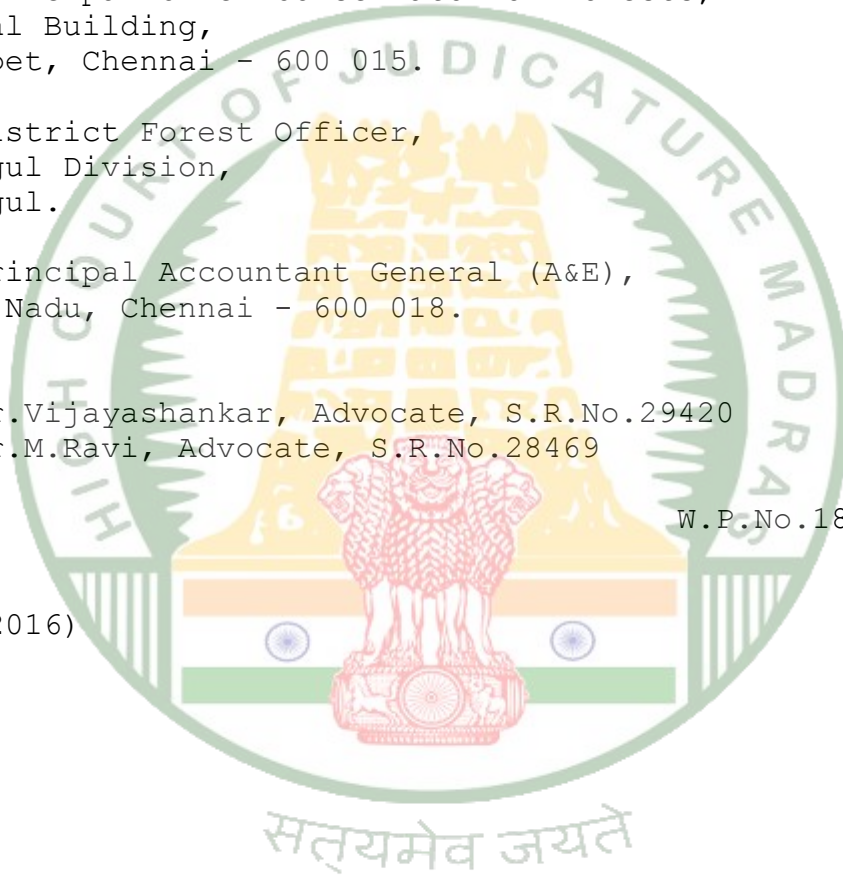
1. The Principal Secretary,
Forest and Environment Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Forest Officer,
Dindigul Division,
Dindigul.
4. The Principal Accountant General (A&E),
Tamil Nadu, Chennai - 600 018.

+1cc to Mr.Vijayashankar, Advocate, S.R.No.29420

+1cc to Mr.M.Ravi, Advocate, S.R.No.28469

W.P.No.18679 of 2014

TEJ(CO)
CA(12/04/2016)



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