

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.30329 and 30330 of 2015

P.S.K.Saminathan ... Petitioner in W.P.30329 of 2015
D.Jeganathan ... Petitioner in W.P.30330 of 2015

Vs.

- 1 The State of Tamilnadu
Rep. by its Secretary to Government
Environment and Forest Department Fort.St.
George Chennai-9.
- 2 The Principal Chief
Conservator of Forest Panagal Building
Saidapet Chennai-15. ... Respondents in both W.Ps.
- 3 The District Forest Officer
Sirumalai Interface Forestry Division
Dindugal. Respondent in W.P.30329 of 2015
- 3 The Forestry Extension Officer,
Forestry Extension Center,
Neyveli,
Cuddalore District. ... Respondent in W.P.30330 of 2015
- 4 The Principal Accountant
General of Tamil Nadu Teynampet
Chennai-18. ... Respondent in both W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 3 respondent to count the half of service rendered by the petitioner as Plot Watcher from 01.11.1985 to 06.08.2008 and 01.12.1980 to 31.07.2007 respectively, along with the regular service from 07.08.2009 and 01.08.2007 respectively, till his retirement on 31.05.2015 and 30.04.2010 respectively, as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent.

For Petitioners : Ms.K.Jenitha in both WPs
For Respondents : Mr.N.Inbanathan for R1 to R3
Government Advocate (Forest)
in both WPs
Mr.V.Vijayashankar for R4
in both WPs

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal.

2.The petitioner in W.P.30329 of 2015 joined the service of Forest Department as a Plot Watcher on 01.11.1985 in Interface Forestry Division, Dindugal District and as per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, his name was included in the State Wide Seniority List of Social Forestry Workers/ Plot Watchers and subsequently as per G.O.No.95 of the same Department dated 07.08.2009, the services were brought under Super Numeric post as Plot Watcher and however, the third respondent did not register the half of the service rendered by the petitioner in temporary basis in his service register. The petitioner on attaining the age of superannuation was permitted to retire from service on 31.05.2015.

3.The petitioner in W.P.30330 of 2015 joined the service of Forest Department as a Plot Watcher on 01.12.1980 in Social Forestry Division, Thirukovilur Range, Villupuram Division and as per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, his name was included in the State Wide Seniority List of Social Forestry Workers/ Plot Watchers and subsequently as per G.O.No.95 of the same Department dated 07.08.2009, the services were brought under Super Numeric post as Plot Watcher and however, the third respondent did not register the half of the service rendered by the petitioner in temporary basis in his service register. The petitioner on attaining the age of superannuation was permitted to retire from service on on 30.04.2010.

4.The grievance now expressed by the petitioners is that for the conferment of pension, half of the services rendered by them in temporary capacity has to be taken into consideration and in this regard, has submitted representation dated 19.06.2015 and 05.05.2013 respectively, to the respondents 1 to 4 and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of Ms.K.Jenitha, learned counsel appearing for the petitioners, Mr.N.Inbanathan, learned Government Advocate (Forest) who accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the fourth respondent.

6. Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances, directs the respondents 3, 2 and 1 to act on the representation dated 19.06.2015 and 05.05.2013 respectively, submitted by the petitioners on merits and in accordance with law and pass orders, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the fourth respondent.

7. The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary, The State of Tamilnadu
Environment and Forest Department Fort.St.
George Chennai-9.
- 2 The Principal Chief
Conservator of Forest Panagal Building
Saidapet Chennai-15.
- 3 The District Forest Officer
Sirumalai Interface Forestry Division
Dindugal.
- 4 The Forestry Extension Officer,
Forestry Extension Center,
Neyveli,
Cuddalore District.
- 5 The Principal Accountant
General of Tamil Nadu Teynampet
Chennai-18.

+2 ccs to Mr.V.Vijay Shankar, Advocate, sr.52389 & 52390
+2 ccs to Mrs.K.Jenitha, Advocate, sr.52312&52313
+1 cc to The Special Government Pleader (Forest), sr.52350

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30330 of 2015

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