

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32050 of 2015

O. Athikesavan

.. Petitioner

vs

1.The State of Tamil Nadu
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.

3.The Divisional Forest Officer
Karur Division Forest Office
Karur

4.The Principal Accountant General
of Tamil Nadu
Teynampet, Chennai 18

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 1.8.1979 to 18.1.2005 along with the regular service rendered by him as Mali from 19.1.2005 till retirement on 30.6.2015 as qualifying service for the purpose of conferment of pension and further directing the respondents 1 to 3 to send pension proposal to the fourth respondent and to grant pension with all consequential monetary benefits.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan
Government Advocate (Forest)
for RR1 to 3

Mr.V.Vijayashankar for R4

ORDER

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

2.The petitioner would state that he joined the services of the Forest Department as a Plot Watcher on 1.8.1979, in Polur Forestry Range, Thiruvannamalai Division and the first respondent vide G.O.Ms.No.64 dated 8.3.1999, has ordered for preparation of State Wide Seniority List of Social Forestry Workers/Plot Watchers taking into consideration, the initial date of engagement of persons on daily wage basis, for the purpose of bringing them under regular time scale of pay and to confer all other consequential benefits on them.

3.The petitioner would further state that the his name was included in Serial No.830 based on his initial date of appointment and he was promoted as Mali on 18.1.2005, by the proceedings of the District Forest Officer, Thiruvannamalai North Division and on attaining the age of superannuation, he has retired from service on 30.6.2015.

4.It is the claim of the petitioner that in accordance with Rule 11(2) of the Tamil Nadu Pension Rules, 1978, half of the service rendered by him on contingency basis, has to be taken into account for the purpose of counting the qualifying service for getting pensionary benefits. The petitioner would further claim that in terms of G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.2.2006, on completion of 10 years of service, the services of the employees working in various Departments, were regularised and monetary benefits were also given; but, insofar as the Forest Department is concerned, the said Government Order has not been implemented and as a consequence, the petitioner's services have not been regularised, though he has completed 10 years of service, and in this regard, he has submitted a representation dated 16.7.2015, to the respondents 1 to 3 and since no response is forthcoming, came forward to file this writ petition.

5.The learned Counsel appearing for the petitioner, would submit that in similar facts and circumstances, this Court has passed series of orders directing the respondents 1 to 3 herein to count 50% of the service rendered by the employees on daily wage basis, as qualifying service for the purpose of pensionary benefits and the said order has also been complied with by the Government by passing Government Orders in G.O.(3D) No.37, Environment and Forest (FR-2) Department, dated 18.3.2014; G.O.(3D) No.39 of the same Department dated 3.4.2014 and G.O.(D) No.155 of the said Department dated 21.5.2014, and prays for appropriate orders.

6.The Court heard the submissions of Mr.N.Inbanathan, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 3, and Mr.V.Vijayashankar, learned Counsel, who accepted notice on behalf of the fourth respondent, also.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 to 3 to consider the representation of the petitioner dated 16.7.2015, on merits and in accordance with law, after taking note of the above said Government Orders, and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

sd/-
ASSISTANT REGISTRAR (CS-IV)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

NSV

To:

- 1.The Secretary to Government
Environment and Forest Department
Fort St. George, Chennai 9
- 2.The Principal Chief Conservator of
Forest
Panagal Building,
Saidapet, Chennai 15.
- 3.The Divisional Forest Officer
Karur Division Forest Office
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- 4.The Principal Accountant General
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Teynampet, Chennai 18

+1 CC to Mr.K.Jenitha Advocate. SR.NO. 55166
+1 CC to Special Govt.Pleader. SR.NO.55083

W.P.No.32050 of 2015

CO-KM
JD 16/10/2015