

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32594 of 2015

N.Krishnan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 600 015.
3. The District Forest Officer
Udhagai South Division,
The Nilgiris.
4. The District Forest Officer and Deputy Director,
Thirupur Forest Division,
121, Renganathan Layout,
Government Art College Road,
Ramasamy Nagar, Udumalaipet.
5. The Principal Accountant General of Tamilnadu,
Teynampet,
Chennai - 600 018.

... Respondents

Prayer : Petition 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 Village Social Forestry worker from 1.11.1983 to 6.8.2009 along with the regular service rendered by the petitioner as Plot Watcher from 7.8.2009 till his retirement on 31.10.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents 1 to 3 to send pension proposal to the 5th respondent and to grant pension with all consequential monetary benefits.

For Petitioner : Ms.K.Jenitha
For Respondents : Mr.N.Inbanathan for R1 to R4
Government Advocate (Forests)
Mr.V.Vijayashankar for R5

O R D E R

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

2. The petitioner joined the services of Forest Department as Village Social Forestry Worker through Employment Exchange vide proceedings of the Forest Range Officer dated 30.10.1983 and in terms of G.O.Ms.No.64 of the first respondent dated 08.03.1999, the name of the petitioner was included in the State wide seniority list as Serial No.3137 based on his initial date of appointment and he was brought under time scale of pay with effect from 07.08.2009 and he has also been conferred with all benefits as that of the Government Servant. The petitioner on attaining the age of superannuation, was permitted to retire from service vide proceedings of the third respondent.

3. It is the claim of the petitioner that in terms of Rule 11(2) of the Tamil Nadu Pension Rules, 1978, half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service and that half of the service rendered by him in non-probationalized service have not been taken into consideration and in this regard, Government has also issued G.O.Ms.No.22, Personnel and Administrative Department, dated 28.02.2006 regularising the services of daily wage employees/ consolidated pay employees/ honorarium employees who have completed ten years of service and based on the said Government Order, various departments have also implemented, but however, in the Forest Department the said Government Order has not been given effect.

4. Similarly, very many persons who are similarly placed like that of the petitioner aggrieved by the said act have filed writ petition praying for appropriate direction directing the respondents to count half of the services rendered by them on daily wage basis along with regular service for conferment of pension and it was allowed and the challenge made to the said order in W.A.Nos.27 and 28 of 2012 has also ended in dismissal on 13.02.2012 and so also the SLP (C) No.14838 to 14839 of 2012 etc and the review petition has also ended in dismissal and thereafter the first respondent has issued G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012 to comply with the said order.

5. Very many persons had also filed writ petitions and orders have been passed and those order have also been implemented by the first respondent vide orders dated 18.03.2014, 03.04.2014 and 21.05.2014 respectively, in G.O.(3D) No.37, G.O.(3D) No.39 and G.O.(3D) No.155 respectively, and insofar as the petitioner is concerned, a positive recommendation is also been made by the third respondent to the District Forest Officer and Deputy Director vide letter in O.Mu.No.P2/9831/2013 dated 25.09.2014 and inspite of it, the petitioner has not been favoured with any kind of response and hence, came forward to file this writ petition.

6. Heard the submissions of Ms.K.Jenitha, learned counsel appearing for the petitioner, N.Inbanathan, learned Government Advocate (Forests) who accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijayashankar learned counsel who accepts notice on behalf of the fifth respondent.

7. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 05.12.2014 on merits and in accordance with law after taking note of the orders passed by this Court as well as the Government Orders 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 petitioner.

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

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Sd/-
Assistant Registrar (Judicial)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

1. The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 600 015.

3. The District Forest Officer
Udhagai South Division,
The Nilgiris.
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Ramasamy Nagar, Udumalaipet.
5. The Principal Accountant General of Tamilnadu,
Teynampet,
Chennai-18.

+1 C.C. To MR.K.Jenitha, Advocate in SR.NO.56118

+1 C.C. To Government Pleader (Forest) in SR.NO.56155

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AD(CO)
sd : 29/10/2015



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