

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33251 of 2015

Padma

... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary, Environment and
Forest Department, Chennai-600 009.
- 2 The Principal Chief
Conservator of Forests, Panagal Maligai,
Saidapet, Chennai-600 015.
- 3 The District Forest Officer,
Hosur Division, Hosur.
- 4 The Accountant General of
Tamil Nadu, Office of Accountant General,
Teynampet, Chennai-600 018.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner husband from 01.11.1984 to 27.12.2011 on daily wage basis along with regular service rendered by him from 28.12.2011 as forest watcher till 31.08.2013 the date of retirement 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 Respondents : Mr.N.Inbanathan for R1 to R3
Government Advocate (Forest)
Mr.V.Vijayashankar for R4

O R D E R

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

2.The petitioner would state that her husband namely, Veerappan had joined the services of the Forest Department as Plot Watcher in the third respondent on 01.11.1984 as a daily wage worker and continued to work in that capacity without any break in service and by virtue of G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, a state wide seniority list of Plot Watchers/ Social Forestry Workers was drawn for the purpose of bringing into regular service and the name of the petitioner's husband was included in serial no.3721 and was brought into regular service as a Forest Watcher on 28.11.2011 and he retired from service on 31.08.2013 on reaching the age of superannuation.

3.The petitioner would further state that her husband died on 03.03.2015 and as per Rule 11(2) of Tamil Nadu Pension Rules, 1978 for calculating qualifying service, half of the service rendered as daily wages shall be counted and in this regard, this Court has passed very many orders and one such order was implemented by the first respondent vide G.O.(3D) No.57, Environment and Forest Department, dated 25.06.2014 and hence prayed for appropriate orders.

4.This Court also heard the submissions of Mr.N.Inbanathan, learned Government Advocate (Forests) 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.

5.This Court in the light of the facts and circumstances, permits the petitioner to submit a representation to the respondents 1 to 3 by enclosing a copy of this order as well as a copy of the earlier representation dated 06.08.2013 within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same is directed to consider the same on merits and in accordance with law after taking note of the Government Order in G.O.(3D) No.57, Environment and Forest Department, dated 25.06.2014 and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 The State of Tamil Nadu
Rep. by its Secretary, Environment and
Forest Department, Chennai-600 009.
 - 2 The Principal Chief
Conservator of Forests, Panagal Maligai,
Saidapet, Chennai-600 015.
 - 3 The District Forest Officer,
Hosur Division, Hosur.
 - 4 The Accountant General of
Tamil Nadu, Office of Accountant General,
Teynampet, Chennai-600 018.
- +1 cc to Special Government Pleader (Forest), sr.57116

W.P.No.33251 of 2015

gj co
kra 04/11/2015

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