

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33702/2015

N.Sundararaj

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Petitioner

Versus

1.The Secretary to Government
Government of Tamilnadu
Environment and Forest Department
Fort St George, Chennai 600 009.

2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet, Chennai 600 015.

3.The Divisional Forest Officer
Theni Range, Theni District.

4.The Accountant General of Tamilnadu
O/o.Accountant General
Teynampet, Chennai 600 018.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 3rd respondent to count half of the service rendered by the petitioner as Plot Watcher from 01.07.1981 to 17.10.2003 and the regularised service period from 21.10.2003 to 30.06.2008 as qualifying service and to send the revised proposal to the 4th respondent for grant of pension with all consequential monetary benefits.

For Petitioner : Mr.L.S.M.Hasan Fazal for
Mr.S.Gajendran

For R1 to R3 : Mr.M.K.Subramaniam, Spl.GP
[Forests]

For R4 : Mr.V.Vijayshankar

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioner was appointed as Plot Watcher in the

range office in Social Forest Division, Arantangi-Pudukottai District on 01.07.1981 and got his promotion to the post of Plot Watcher from Forest Watcher on 21.10.2003 and his name is also found in the State wide Seniority List prepared in accordance with G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 in Sl.No.1339. The petitioner has also joined the service as Forest Watcher and he has been assigned with CPS No.7008108. The petitioner would state that in terms of G.O.Ms.No.22, P&AR Department, dated 28.02.2006 and G.O.Ms.No.95 of the 1st respondent dated 07.08.2009, the Social Forest Workers and Plot Watchers in the regular time scale of pay, are entitled to all consequential benefits and the petitioner would claim that in terms of the above cited Government Orders, he is also entitled to get the benefits. The grievance now expressed by the petitioner is that though his services as Forest Watcher between 21.10.2003 and 30.06.2008 have been regularsied and consequently he is entitled to get all pensionary benefits and further that, he has retired from service as early as on 30.06.2008, the said benefits have not been conferred on him. In this regard, the petitioner has submitted a representation dated 14.11.2011 to the 1st respondent and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that similar orders have been passed in WP.No.13832/2011 and it was put to challenge by the very same official respondents in W.A.Nos.27 and 28/2012 and the Division Bench of this Court has taken note of the earlier judgment dated 15.09.2011 made in W.A.No.1633/2011 and dismissed the said writ appeals and therefore, prays for appropriate orders.

4 Per contra, Mr.M.K.Subramaniam, learned Special Government Pleader [Forests], who accepts notice on behalf of the respondents 1 to 3 would contend that the petitioner has belatedly approached this Court and is guilty of delay and laches and hence, on the sole ground, the writ petition deserves to be dismissed and prays for dismissal of this writ petition.

5 This Court heard the submissions of Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the 4th respondent.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the respondents 1 to 3 by enclosing a copy of this order as well as the copy of the earlier representation, within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 2, on receipt of the same, are directed to consider and dispose of the said representation on merits and in accordance with law and pass appropriate orders

within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP
To

- 1.The Secretary to Government
Government of Tamilnadu
Environment and Forest Department
Fort St George, Chennai 600 009.
- 2.The Principal Chief Conservator of Forests
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- 4.The Accountant General of Tamilnadu
O/o.Accountant General
Teynampet, Chennai 600 018.

+1 cc to Mr.S.Gajendran, Advocate, sr.58570
+1 cc to Special Government Pleader, sr.57988

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skv co
kra 03/11/2015

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