

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33747 of 2015

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... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Represented by its Secretary
Finance Department
Fort St.George, Chennai-09.
- 2 The Principal ChiefConservator of Forest
Having Office at Panagal Maaligai
Saidapet, Chennai-15.
- 3 The District Forest Officer
Thanjavur Division,
Forest Complex
Pillaiyar Patti, Vallam (P.O)
Thanjavur.
- 4 The Accountant General of Tamil Nadu
Office of the Accountant General
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 the Respondent 1 to 3 to count half of the service rendered by the petitioner as Village Social Forestry worker on daily wage basis from 23.10.1982 to 29.09.1989 along with the regular service rendered by her as Forest watcher from 23.01.2007 till the date of retirement namely 31.03.2014 as qualifying service and send the revised proposal to the fourth respondent to grant pension to the petitioner with all consequential monetary benefits

For Petitioner : Mr.A.Palaniappan

For Respondents: Mr.M.K.Subramanian
Spl.Govt. Pleader (Forests) - for R1 to R3

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 she was appointed as Village Social Forestry worker on 23.10.1982 in the 3rd respondent Department and by proceedings of the Thanjavur Social Forestry Division dated 8.9.1989, she was transferred to Thanjavur Rural Development Project. In spite of the said order of transfer, the said authority had not given placement to the petitioner. The petitioner also submitted a representation to the 3rd respondent in this regard and thereafter, the 3rd respondent has taken her as Reserve Watcher in Thanjavur Division, Thanjavur Range, Vallam Beat vide orders of the 2nd respondent dated 7.12.2006 as well as the proceedings of the 3rd respondent dated 15.12.2006.

3. The petitioner would state that the 3rd respondent also prepared seniority list and she was assigned Sl.No.2161 by the District Forest Officer, Thanjavur. Though the petitioner would state that she has retired from service on 31.3.2014, her pensionary benefits has not been settled. The services rendered by her from 23.10.1982 to 29.9.1989 as Village Social Forestry Worker has not been taken into consideration. The petitioner, in this regard, has submitted a representation dated 29.06.2015 and since she has not been favoured with any response, she came forward to file this writ petition.

4. Mr.A.Palaniappan, learned counsel appearing for the petitioner would submit that similarly placed person has filed WP.No.8205 of 2011 for similar relief and it was allowed by this Court on 19.04.2011 and it was put to challenge in WA.Nos.27 & 28 of 2012 and vide judgment dated 13.02.2012, a Division Bench of this Court has confirmed the orders passed in the writ petition and the further challenge made to the Hon'ble Supreme Court has also ended in dismissal, vide order dated 10.05.2012 in SLP [Civil] Nos.14838 & 14839 of 2012 and 16119 and 16120 of 2012 and the review filed against the said order has also ended in dismissal on 20.07.2013 and the said order was also implemented by the Government by issuing G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012 and hence, the petitioner is entitled to get similar benefit and prays for appropriate orders.

5. Heard the submissions of Mr.M.K.Subramanian, learned Special Government Pleader (Forests) who accepts notice for the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel who accepts notice for the 4th respondent.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 29.06.2015 and pass orders, on merits and in accordance with law, within a period of eight 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.

Rj

Sd/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

- 1 The Secretary to Government of Tamil Nadu,
Finance Department
Fort St.George,
Chennai-09.
- 2 The Principal Chief Conservator of Forest
Having Office at Panagal Maaligai
Saidapet, Chennai-15.
- 3 The District Forest Officer
Thanjavur Division,
Forest Complex
Pillaiyar Patti, Vallam (P.O)
Thanjavur.
- 4 The Accountant General of Tamil Nadu
Office of the Accountant General
Teynampet Chennai - 600 018.

+1 C.C. To MR.A.Palaniappan, Advocate in SR.NO.57875

+1 C.C. To Special Government Pleader in SR.NO.57989

W.P.No.33747 of 2015

PA(CO)

sd : 04/11/2015