

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34311 of 2015

K.Arjunan

... 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,
Saidapat,
Chennai - 15.
 - 3 The Divisional Forest Officer
Social Forestry Division,
Trichy.
 - 4 The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Village Social Forestry Worker from 01.02.1984 to 06.08.2009 along with the regular service rendered by the petitioner as Plot Watcher from 07.08.2009 till the petitioner retirement on 31.07.2015 as qualifying service for the purpose of conferment of pension and to direct the respondents 1 to 3 to send pension proposal to the fourth respondent and to grant pension with all consequential monetary benefits within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.M.K.Subramanian for R1 to R3
Special Government Pleader (Forests)
Mr.V.Vijayashankar for R4

O R D E R

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

2.The petitioner joined as a Village Social Forestry Worker on 01.02.1984 through Employment Exchange and in terms of G.O.Ms.No.64 of the first respondent dated 08.03.1999 State wide seniority list of Social Forestry Workers/ Plot Watchers as per the initial date of engagement as daily wage workers was prepared and the name of the petitioner was also included in serial no.1336. The petitioner was also brought under time scale of pay after rendering 26 years of service and claims that he was conferred with all benefits as that of the Government servant and the petitioner on attaining the age of superannuation has retired on 31.07.2015.

3.The petitioner would further state that as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, half of the service paid from contingencies shall be allowed to be counted for pension along with regular service. Though the petitioner was paid from contingencies, the said rule has not been given effect to in his case. In this regard, the first respondent has also issued a clarification vide letter dated 13.10.2009 followed by another circular dated October, 2012. The Personnel and Administrative Department has also passed G.O.Ms.No.22 dated 28.02.2006, issuing necessary instructions to the various Government Departments to regularise the services of the daily wages/ consolidated pay/ honorarium employees who have rendered 10 years of service, but in respect of the Forest Department, the said Government Orders have not been implemented. The petitioner in this regard has also submitted a representation dated 17.08.2015 and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Ms.K.Jenitha, the learned counsel appearing for the petitioner, Mr.M.K.Subramanian, learned Special Government Pleader (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.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 17.08.2015 on merits and in accordance with law after taking note of the above stated 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.

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

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
Environment and Forest Department,
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+ 1 cc to Spl.Govt.Pleader (Forest) SR 58692

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