

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.34939 of 2015

1.K.M.Subramani
2.G.Duraisamy
3.S.Subramani
4.D.Raman
5.P.Kannappan
6.R.Periyasamy
7.U.Shanmugam
8.T.Jothi

.. Petitioners

vs

1.Government of Tamilnadu
Rep. By its Secretary
Environment and Forest Department
Secretariat, Chennai 600 009
2.The Principal Chief Conservator of
Forests
Panagal Building
Saidapet, Chennai 600 015
3.The Divisional Forest Officer
Social Forestry Division
Vellore 9
4.The Divisional Forest Officer
Thirupattur Division
Thirupattur
5.The Divisional Forest Officer
Coimbatore Division
Coimbatore 640 018
6.The Divisional Forest Officer
Crash Plantation Division
Karur
7.The Divisional Forest Officer
Arur Division, Arur
8.The Principal Accountant General of
Tamilnadu
Office at Teynampet, Chennai 600 018

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 7 to count half of service rendered by the petitioners on daily wage basis along with regular service rendered by them, till their date of retirements so as to get pension and consequently, directing them to send revised pensionary proposals to the eighth respondent and directing the eighth respondent to pay pension to the petitioners with all consequential benefits.

For Petitioners : Mr.P.Ganapathy

For Respondents : Mr.N.Inbanathan
Government Advocate
for RR1 to 7

Mr.V.Vijayashankar for R8

ORDER

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

2.The deponent of the affidavit, who is the first petitioner, would state that the petitioners had joined the services of the Forest Department as Social Forestry Workers/Plot Watchers on daily wage basis, and their service details are as under:-

S. No.	Names	Seniority Nos.	Date of Appointment	Date of Regularisation	Date of Retirement
1.	K.M.Subramani	635	13.10.1979	07.08.2009	28.01.2011 (Plot Watcher)
2.	G.Duraisamy	2367	20.01.1983	07.08.2009	30.04.2013 (Plot Watcher)
3.	S.Subramani	4245	01.08.1985	12.06.2013	30.06.2013 (Forest Watcher)
4.	D.Raman	1735	01.11.1981	28.04.2004	30.06.2007 (Forest Watcher)
5.	P.Kannappan	5148	19.03.1987	07.08.2009	31.05.2014 (Plot Watcher)

S. No.	Names	Seniority Nos.	Date of Appointment	Date of Regularisation	Date of Retirement
6.	R.Periyasamy	2438	01.02.1983	07.08.2009	31.12.2014 (Plot Watcher)
7.	U.Shanmugam	2486	01.03.1983	07.08.2009	31.10.2013 (Plot Watcher)
8.	T.Jothi	4034	01.03.1985	07.08.2009	30.09.2014 (Plot Watcher)

3.It is the claim of the petitioners that they put in more than three decades of service and as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, while calculating qualifying service, half of the service rendered by them as daily wage workers, should be counted and though the services of the petitioners have been regularised, for the purpose of calculating pension, the said statutory provision has not been taken into consideration and in this regard, they had submitted representations dated 30.6.2007, 28.1.2011, 30.4.2013, 28.6.2013, 31.10.2013, 21.5.2014, 29.9.2014 and 30.12.2014 respectively, and since no orders have been passed, came forward to file this writ petition.

4.The Court heard the submissions of the learned Counsel appearing for the petitioners, Mr.N.Inbanathan, learned Government Advocate, who accepted notice on behalf of the respondents 1 to 7, and Mr.V.Vijayashankar, learned Standing Counsel, who accepted notice on behalf of the eighth respondent.

5.Though the petitioners 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, directs the respondents 1 to 7 to consider the claim of the petitioners on merits and in accordance with law and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

nsv

To:

- 1.The Secretary to Government
Environment and Forest Department
Secretariat, Chennai 600 009
- 2.The Principal Chief Conservator of
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+1 cc to Special Government Pleader Forest sr.59939

W.P.No.34939 of 2015

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