

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35179 of 2015

A.Kandasamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
 - 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 15.
 - 3.The Forest Extension Officer,
Forestry Extension Division,
P.K.Agaram, Trichy.
 - 4.The Principal Accountant General
of Tamil Nadu,
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 1 to 3 respondents to count the half of service rendered by the petitioners as Village Social Forestry Worker from 07.10.1980 to 06.08.2009 along with the regular service rendered by the petitioners as Plot Watcher from 07.08.2009 till retirement on 31.05.2012 as qualifying service for the purpose of conferment of pension and to direct the respondents 1 to 3 to send pension proposal to the fifth respondent and to grant pension proposal to the fifth respondent and to grant pension with all consequential monetary benefits.

For Petitioners : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest) (R1 to R3)
Mr.Vijay Shankar (R4)

O R D E R

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

2. The petitioner would state that he joined the service in the Forest Department as Plot Watcher on 07.10.1980 in Social Forestry Range, Pudukottai District. The Government issued a G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999 for preparation of State Wide Seniority list of Social Forestry Workers/Plot Watchers as per the initial date of engagement of the daily wage workers in the Forest Department for the purpose of bringing them under regular time scale of pay and to confer all other consequential benefits.

3. The petitioner would further claim that he was brought under the time scale of pay with effect from 07.08.2009 and on attaining the age of superannuation, he is permitted to retire from service on 31.05.2012.

4. It is the further case of the petitioner that as per Rule 11(2) of the Tamil Nadu Pension Rules, he is entitled to count half of the service rendered by the him for the purpose of pension and a similarly placed person filed W.P.No.8205 of 2015 seeking to count half of the service rendered by them and it was allowed by this Court and the appeals filed by the official respondent in W.A.Nos.27 and 28 of 2012 were dismissed and the Special Leave Petition filed by the official respondents in S.L.P.(C)No.14838 to 14839 of 2012 and 16119 to 16120 of 2012 were also dismissed. The said orders were also implemented by the Government by issuing G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012 and since the petitioner is similarly placed person, he has given a representation dated 08.09.2013 to the 3rd respondent and since, no orders have been passed, came forward to file this writ petition.

5. Heard the submissions of Mr.K.Jenitha, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate appearing for respondents 1 to 3 and Mr.Vijay Shankar, learned counsel appearing for the 4th respondent.

6. Though the petitioner prayed for the larger relief, this Court, in the light of the facts and circumstances, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 08.09.2013 on merits and in accordance with law within a period of twelve 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.

sd/
ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

vsm

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 15.
- 3.The Forest Extension Officer,
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P.K.Agaram,
Trichy.
- 4.The Principal Accountant General
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Teynampet, Chennai - 18.

+1 CC to MR.K.Jenitha Advocate. SR.NO. 60456

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CO-PA
JD 25/11/2015

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