IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.7164 of 2015

G.Pannerselvam ... 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 Forests,
   Panagal Building,
   Saidapet, Chennai - 15.

3. The Forestry Extension Officer,
   Forestry Extension Center,
   Chengalpet,
   Kancheepuram District.

4. The Principal Accountant General of Tamilnadu,
   Teynampet, Chennai - 18. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 22.03.1982 to 31.07.2007 along with regular service from 01.08.2007 to till his retirement as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forests)
for RR 1 to 3

Mr.Vijayashankar for R4

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

Heard both sides.

2. The petitioner joined service as Plot Watcher on 22.03.1982. Subsequently, he was promoted as Mali on 01.08.2007. He retired from service on 30.04.2015.

3. The grievance of the petitioner is that 50% of the services rendered by him prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11 (2) of the Tamil Nadu Pension Rules. He has relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 (Government of Tamil Nadu rep. by its Secretary to Government Vs. M.Gopal), which was confirmed by the Hon'ble Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, I have also passed an order in detail to count 50% of service rendered before regularisation in the case of P.Chinniyan Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316.

4. In these circumstances, the writ petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the judgments referred to above and submit proposal for the terminal benefits for authorization before the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gg

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Principal Secretary to Government,
   Forest and Environment Department,
   Government of Tamil Nadu,
   Fort St. George,
   Chennai - 600 009.

2. The Principal Chief Conservator of Forests,
   Panagal Building,
   Saidapet, Chennai - 15.

3. The Forestry Extension Officer,
   Forestry Extension Center,
   Chengalpat, Kancheepuram District.

4. The Principal Accountant General of Tamilnadu,
   Teynampet,
   Chennai - 18.

+1cc to M/s.K.Jenitha, Advocate, S.R.No.28755
+1cc to the Special Government Pleader(F), S.R.No.28716

W.P.No.7164 of 2015

MP(CO)
CA(03/07/2015)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/