

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.7221 of 2015

V.Thangavel

.. Petitioner

vs.

1. Government of Tamil Nadu,
rep. by its Principal
Secretary to Government,
Forest and Environment Department,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Jeenis Road,
Panagal Building,
Saidapet, Chennai - 15.
3. The District Forest Officer/
Soil Conservation Officer,
Mettur Soil Conservation Scheme,
Dharmapuri - 5.
Dharmapuri District.
4. The District Forest Officer,
Hosur Forest Division,
Hosur, Krishnagiri District.
5. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, 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 to count half of the service rendered by the petitioner as plot watcher from 01.05.1984 to till 06.08.2009 along with regular service rendered by the petitioner as Plot Watcher in the Supernumery Post from 07.08.2009 to 31.01.2010 as qualifying service for pensionary benefits and send the proposal to the fifth respondent for grant pension will all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forests)

O R D E R

Heard both sides. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner served as Plot Watcher on daily wages in the third respondent forest division from 01.05.1984. Thereafter, he was appointed as Plot Watcher in Supernumery post on regular basis on 07.08.2009. He retired from service on 31.01.2010.

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.Chinniyar 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 fifth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fifth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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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,
Head of Forest Force,
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Hosur, Krishnagiri District.
5. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai - 18.

+1cc to M/s. M.R. Jothimanian, Advocate, S.R.No.29281

+1cc to the Government Pleader, S.R.No.28717

सत्यमेव जयते

W.P.No.7221 of 2015

MP (CO)
Eu 03.07.15

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