

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.8145 of 2015

1. R.Kuppusamy
2. R.Singaravel

.. Petitioners

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 District Forest Officer,
Chengalpat Division,
Kancheepuram District.
4. The District Forest Officer,
Villupuram Division, Villupuram.
5. 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 4 to count the half of service rendered by the petitioners on temporary basis from the date of joining to the date of regularization along with the regular service rendered by the petitioners till their retirement as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fifth respondent.

For Petitioners : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forests) for RR 1 to 4
Mr.Vijayashankar for R5

O R D E R

Heard both sides.

2. The first petitioner joined service as Plot Watcher on 01.03.1982 and the second petitioner joined service as Plot Watcher on 01.07.1986. Subsequently, the first petitioner was promoted as Forest Watcher on 29.12.2006 and the second petitioner was regularised as Plot Watcher in the Supernumerary post with effect from 31.08.2009. They retired from service on 30.04.2015 and 30.04.2011 respectively.

3. The grievance of the petitioners is that 50% of the services rendered by them 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. They 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 petitioners 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 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 District Forest Officer,
Chengalpat Division,
Kancheepuram District.
4. The District Forest Officer,
Villupuram District, Villupuram.
5. The Principal Accountant General of Tamilnadu,
Teynampet,
Chennai - 18.

1 cc to Ms.K.Jenitha , Advocate Sr.No.28757

1 cc to Spl.Government Pleader.Sr.No.28714

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pmk.3.7.2015



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