



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.11.2015

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WEB COPY

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

W.P (MD) No. 20462 of 2015

Paul Raj

..Petitioner

Vs

1. The Government of Tamil Nadu
represented by Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai-9.

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

3. The Forest Extension Centre,
Virudhunagar at Srivilliputhur,
Virudhunagar District.

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

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Mandamus directing the respondents 1 to 3 to count the half of the service rendered by the Petitioner as Social Forestry worker from 1.11.1981 to 7.8.2009 along with the regular service as Plot Watcher from 7.8.2009 to 08.4.2013 as the qualifying service and send the revised pension proposal to the fourth respondent and further to direct the fourth respondent to sanction the eligible pension and all other terminal benefits to the Petitioner.

For Petitioner : M/s. G. Chandrasekar

For R1 to R3 : Mr. R. Anandharaj,
Govt. Advocate

For R4 : Mr. P. Gunasekaran

ORDER

Heard both sides. Mr. R. Anandharaj, learned Government Advocate for the respondents 1 to 3 and Mr. P. Gunasekaran, learned counsel takes notice for the fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal.



2.The Petitioner was appointed as a Social Forestry on 01.11.1981 in the Forest Department on daily wage basis. Thereafter, he was regularised in service as Social Forestry Watcher on 31.08.2009. He retired from service on 08.04.2013.

3.The grievance of the Petitioner is that 50% of the services rendered by him prior to regularization 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 a decision of the 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 Honorable Apex Court in SLP.Nos.14838-14839 of 2012 on 10.5.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests(FR-2)Department, dated 18.7.2012. 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 (2014(6) MLJ 316)*. In this regard, the Petitioner also made a representation, dated 15.10.2013 to the respondents 2 and 4.

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 judgements, referred to above and submit proposal for the terminal benefits for authorization before the fourth respondent, within a period of twelve 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(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to Government, The Government of Tamil Nadu,
Finance(Pension)Department,
Fort St.George, Chennai-9.

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

3.The Forest Extension Centre,
Virudhunagar at Srivilliputhur, Virudhunagar District.

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

+One cc to The Special Government Pleader, SR.No.66199

+One cc to Mr.G.Chandrasekar, Advocate, SR.No.66058

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