

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.10946, 11277 and 13559 of 2016

V.Periyan ... Petitioner in WP.10946/2016

C.Malliga ... Petitioner in WP.11277/2016

1.S.Sappani

2.K.Natesan

3.Putraj ... Petitioners in WP.13559/2016

Vs

1.The State of Tamil Nadu
Rep.by Secretary to Government
Environment and Forest Department,
Chennai-9.

2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet,
Chennai-15. ...R1 & R2 in all WPs

The Assistant Conservator of Forests,
Forest Protection Squad,
Coimbatore. ...R3 in WP.10946 of 2016

District Forest Officer,
Nilgiris South Division,
Udagamandalam. ...R3 in WP.11277 of 2016

Forestry Extension Officer,
Forestry Extension Centre,
Udagamandalam. ...R3 in WP.13559 of 2016

District Forest Officer,
Dindigul Forestry Division,
Dindigul. ...R4 in WP.13559 of 2016

The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.
...R4 in WPs.10946 & 11277 of 2016
& R5 in WP.13559 of 2016

W.P.No.10946 of 2016 : Writ Petition is filed to issue a Writ
of Mandamus to direct the Respondents 1 to 3 to count the half

of service rendered by the Petitioner as Plot Watcher from 1.12.1981 to 2.6.2004 on temporary basis along with the regular service from 3.6.2004, till the date of retirement on 30.6.2013, as qualifying service for the purpose of conferment of pension and to direct the Respondents to send revised pension proposal to the 4th Respondent for grant of pension with all consequential benefits within a time frame.

W.P.No.11277 of 2016 : Petition filed to issue a Writ of Mandamus, directing the Respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.10.1987 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 31.08.2015 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

W.P.No.13559 of 2016 : Petition filed to issue a Writ of Mandamus, directing the 1 to 4 respondents to count the half of service rendered by the petitioner as Plot Watcher on temporary basis along with the regular service till the date of retirement as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fifth respondent for grant of pension with all consequential benefits within time frame.

For Petitioners : Ms.K.Jenitha
in all WPs

For Respondent : Mr.M.Inbanathan,
in all WPs Government Advocate

COMMON ORDER

These Writ Petitions are filed to issue a Writ of Mandamus to direct the Respondents 1 to 3 to count the half of service rendered by the Petitioners as Plot Watchers from 1.12.1981 to 2.6.2004 and 1.10.1987 to 6.8.2009 and 1.7.1982 to 6.8.2009 on temporary basis along with the regular service from 3.6.2004 and 7.8.2009 and 7.8.2009, till the date of retirement on 30.6.2013 and 31.8.2015 and 31.01.2013 respectively, as qualifying service for the purpose of conferment of pension and to direct the Respondents to send revised pension proposal to the 4th Respondent for grant of pension with all consequential benefits with a time frame.

2. 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.

The petitioners have relied on the judgement of the Division Bench of this Court in WA.Nos.27 and 28 of 2012 dated 13.02.2012, which was also confirmed by the Honourable Supreme Court in SLP.Nos.14838 and 14839 of 2012 on 10.05.2012. The Government also implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, the Petitioners also relied on the decision of this court reported in (2014) 6 MLJ 316 (P.Chinniyar Vs. State of Tamil Nadu) and the order of this court dated 14.7.2015 made in WP.No.11836 of 2015, wherein this court has also passed orders in detail to count 50% of service rendered before regularisation.

3. Following the above said decisions and the orders made in similar facts and circumstances, in the case on hand also, the 1st Respondent directed 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 and orders referred to above and submit a 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 authorize the same within a period of two weeks thereafter.

4. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1.The Secretary to Government
State of Tamil Nadu
Environment and Forest Department,
Chennai-9
- 2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet,
Chennai-15
- 3.The Assistant Conservator of Forests
Forest Protection Squad,
Coimbatore.

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

5.The District Forest Officer,
Nilgiris South Division,
Udagamandalam.

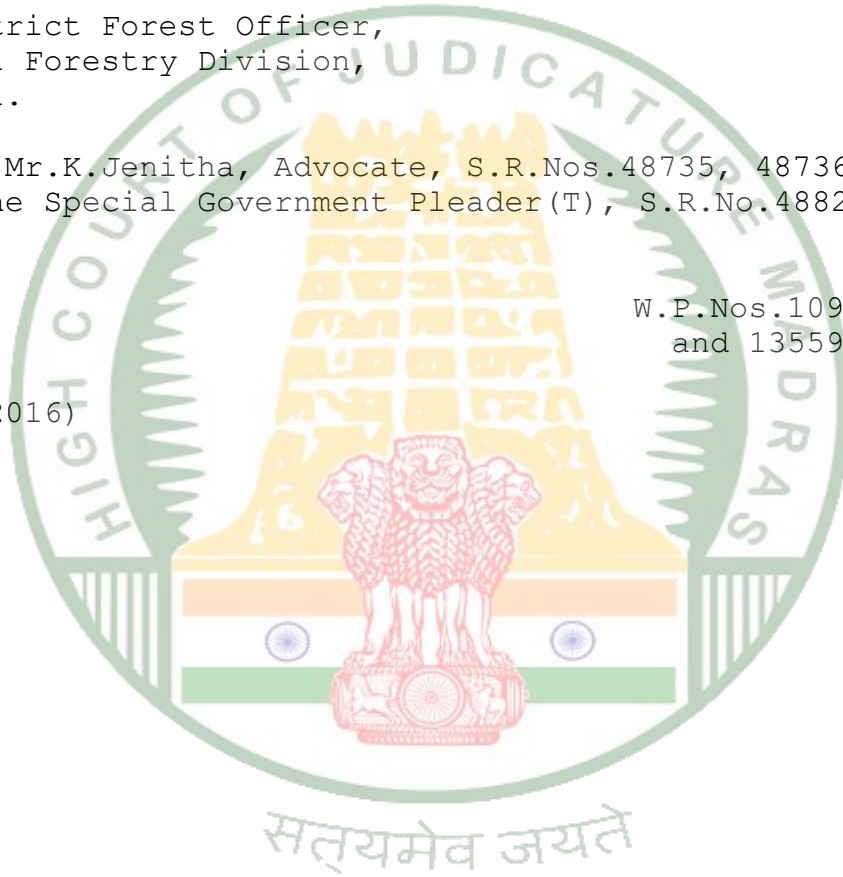
6.The Forestry Extension Officer,
Forestry Extension Centre,
Udagamandalam.

7.The District Forest Officer,
Dindigul Forestry Division,
Dindigul.

+3cc's to Mr.K.Jenitha, Advocate, S.R.Nos.48735, 48736 & 48738
+1cc to the Special Government Pleader(T), S.R.No.48821

W.P.Nos.10946, 11277
and 13559 of 2016

MP (CO)
CA(04/10/2016)



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