

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

- | | | |
|----|-----------|--------------------------|
| 1. | V.Periyar | Petitioner-WP.10946/2016 |
| 2. | C.Malliga | Petitioner-WP.11277/2016 |
| 3. | S.Sappani | Petitioner-WP.12559/2016 |

Petitioner

Vs

- | | |
|---|-----------------------|
| 1. The State of Tamil Nadu by Secretary to Government
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 | Respondent in all WPs |

Prayer:- 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.

For Petitioners : Ms.K.Jenitha

For Respondent : Mr.M.Inbanathan, GA

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 on 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.Chinniyan 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.

29.08.2016

Index:Yes/No
Web:Yes/No
Srcm

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4. The Principal Accountant General of Tamil Nadu
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B.RAJENDRAN, J.

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