

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.17390 of 2016

1.K.Ramalingam

2.C.Ramasamy

... Petitioners

Vs

1.The State of Tamil Nadu by its Secretary to Government
Environment and Forest Department, Fort St.George
Chennai-9

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

3.The District Forest Officer
Kallakurichi Division, Villupuram

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

5.

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, 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 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 a revised pension proposal to the 4th Respondent for grant of pension with all consequential benefits.

For Petitioners : Mr.K.Jenitha

For Respondents : Mr.M.Inbanathan, GA

ORDER

In this Writ Petition, the Petitioners seek for a direction to the Respondents 1 to 3 to count the half of service rendered by them 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 a revised pension proposal to the 4th Respondent for grant of pension with all consequential benefits.

2. This Court heard and considered the submissions made by the learned counsel on either side.

3. The Petitioners joined in service as Social Forestry Worker on 16.08.1982 and as Plot Watcher on 01.04.1983 respectively and on attaining the age of superannuation, they retired from service by the proceedings of the 3rd Respondent. Subsequent to their retirement, the Petitioners requested the 3rd Respondent to send pension proposal as per the entry made in their Service Registers. Thereafter, the Petitioners also submitted their representations to the 3rd Respondent through proper channel for sending the pension proposal, which were not considered. Hence, this Writ Petition has been filed.

4. After some elaborate arguments by the learned counsel on either side, though the prayer in this Writ Petition is for a larger relief, the learned counsel for the Petitioners has, now, confined his argument to the limited extent of permitting the Petitioners to submit fresh representations to the 3rd Respondent and on receipt of such representations, directing the 3rd Respondent to dispose of the same, on merits.

5. On the other hand, the learned Government Advocate for the Respondents has submitted that there is no evidence or no proper acknowledgements produced to show that the representations of the Petitioner were sent through proper channel and received by the Respondents, however, if any fresh representations are made, the same would be disposed of, on merits.

6. Considering the submissions of the learned counsel on either side, without expressing any opinion on the merits and demerits of the case, the Petitioners are permitted to submit fresh representations to the 3rd Respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representations, the 3rd Respondent is directed to consider the same and pass appropriate orders, regarding sending the proposal to the 2nd Respondent, on merits and in accordance with law, within a period of six weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Secretary to Government
The State of Tamil Nadu
Environment and Forest Department, Fort St.George
Chennai-9
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai-15
- 3.The District Forest Officer
Kallakurichi Division, Villupuram
- 4.The Principal Accountant General of Tamil Nadu
Teynampet, Chennai-18

+1cc to Mr.K.Jenita, Advocate Sr.30248
+1cc to the Government Pleader Sr.30067

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GJ[co]
srg 13/07/2016

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