

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.39152 of 2015

Parvathy
W/o.Late Muniraj,
Melumalai Village,
Hosur Taluk,
Krishnagiri District

.. Petitioner

Vs

- 1 Government of Tamilnadu
rep by its Principal Secretary to Government
Environment and Forest Department,
Fort St.George, Chennai - 600 009
- 2 The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road, Panagal Maligai
Saidapet, Chennai - 15
- 3 The District Forest Officer
Interfaced Forest Division (IFF),
Krishnagiri, Krishnagiri District
- 4 The Accountant General of Tamilnadu,
Office of the Accountant General
Anna Salai, Teynampet,
Chennai - 18

.. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner's husband viz M.Muniraj as Plot Watcher from 01.04.1987 to till 06.08.2009 along with regular service rendered by him as Plot Watcher in Supernumery post from 07.08.2009 to 08.11.2014 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for granting family pension with all consequential monetary benefits to her.

For Petitioner : Mr.R.Jothimanian
For Respondents 1 to 3: Mr.N.Inbanathan
Government Advocate (Forests)
For Respondent 4 : Mr.V.Vijaya Shankar

O R D E R

Heard both sides. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice for the respondents 1 to 3 and Mr.V.Vijaya Shankar, learned counsel takes notice for the fourth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner's husband viz., Late Muniraj was appointed as Plot Watcher on 01.04.1987 in the Forest Department on daily wage basis. Thereafter, his service was regularised and appointed as Plot Watcher on 07.08.2009. He died on 08.11.2014.

3. The grievance of the petitioner is that 50% of the service rendered by her husband prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamilnadu Pension Rules. She 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 TAMILANDU 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, this Court also passed an order in detail to count 50% of service rendered before regularisation in the case of P.CHINNAYAN VS.STATE OF TAMILNADU [2014 (6) MLJ 316]. In this regard, the petitioner also made a representation dated 27.03.2015 to the respondents.

4. In these circumstances, the Writ Petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner's husband before regularization along with the service rendered after regularization for the purpose of family 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 authorisation 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.

srn

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Principal Secretary to Government
Government of Tamilnadu
Environment and Forest Department,
Fort St.George, Chennai - 600 009
- 2 The Principal Chief Conservator of Forests
Head of Forest Force
No.1, Genies Road, Panagal Maligai
Saidapet, Chennai - 15
- 3 The District Forest Officer
Interfaced Forest Division (IFF),
Krishnagiri, Krishnagiri District
- 4 The Accountant General of Tamilnadu,
Office of the Accountant General
Anna Salai, Teynampet,
Chennai - 18

+ 1 cc to Mr.M.R.Jothimanian, Advocate SR 3004

+ 1 cc to Spl.G.P.(F) SR 2902

kji(co)
prk23/2

W.P.No.39152 of 2015

WEB COPY