

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.39153 of 2015

G.Rani,  
W/o.Late Govindasamy,  
Nappirampatty Village,  
Uthangarai 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,  
District Forest Division,  
Salem, Salem District
4. The District Forest Officer  
Interfaced Forest Division (IFF),  
Krishnagiri, Krishnagiri District
5. 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., Govindasamy as Plot Watcher from 01.02.1982 to till 27.07.2004 along with regular service rendered by him as Forest Watcher from 28.07.2004 to 17.05.2010 as qualifying service for pensionary benefits and send the proposal to the 5th respondent for granting family pension with all consequential monetary benefits to her.

For Petitioner : Mr.R.Jothimanian  
For Respondents1 to 4 : Mr.N.Inbanathan  
Government Advocate (Forests)  
For Respondent 5 : 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 4 and Mr.V.Vijaya Shankar, learned counsel takes notice for the fifth respondent. By consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner's husband viz., Late Govindasamy was appointed as Plot Watcher on 01.02.1982 in the Forest Department on daily wage basis. Thereafter, his service was regularised and appointed as Forest Watcher on 28.07.2004. He died on 17.05.2010.

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  
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Krishnagiri, Krishnagiri District
5. The Accountant General of Tamilnadu,  
Office of the Accountant General  
Anna Salai, Teynampet, Chennai - 18

+ 1 cc to Spl.Govt.Pleader (F) SR 2904

+ 1 cc to Mr.M.R.Jothimanian, Advocate SR 3005

kji(co)  
prk23/2

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