

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.39393 of 2015

M.Krishnan,
Plot Watcher (Rtd),
Interface Forestry Range (IFF),
Krishnagiri Interface Forest Division,
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 regularize petitioner's service as Forest Watcher and consequently direct the respondents to count half of the service rendered by him as Plot Watcher from 15.07.1986 to till his retirement on 31.07.2009 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for granting pension with all consequential monetary benefits to him.

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 was appointed as Plot Watcher on 15.07.1986 in the Forest Department on daily wage basis. Thereafter, his service was regularised on 07.08.2009 and he retired on 31.07.2009 on attaining the age of Superannuation.

3. The grievance of the petitioner is that 50% of the service rendered by him 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. He 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 18.08.2012 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 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, 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

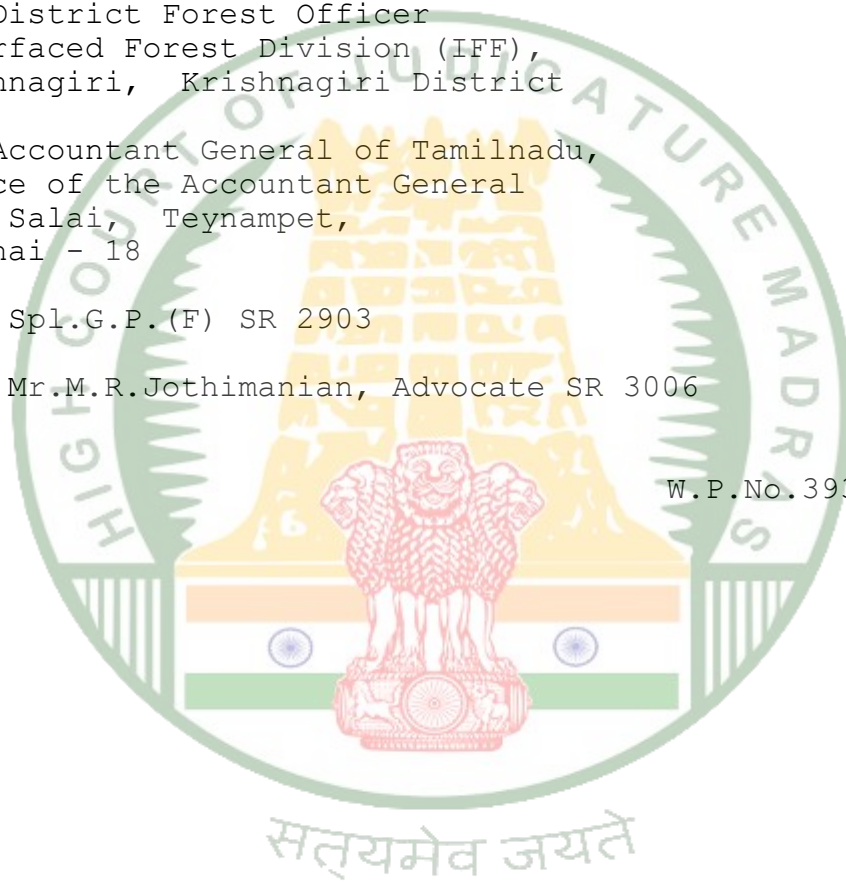
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+ 1 cc to Spl.G.P.(F) SR 2903

+ 1 cc to Mr.M.R.Jothimanian, Advocate SR 3006

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