

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.22279 of 2016

P.Thangaraj

.. Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Environment and Forest Department
Fort St.George
Chennai-9.
 2. The Principal Chief Conservator of Forests &
Head of Forest Force
Panagal Building
Saidapet
Chennai-15.
 3. The Divisional Forest Officer
Crash Plantation Division
Karur.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to consider the representation with regard to refixation of pension by counting the half of service rendered by the petitioner as Temporary Plot Watcher from 19.11.1983 to 06.08.2009 as qualifying service along with regular service within a time frame and pass such further orders as this Court may deem fit.

For Petitioner : Ms.K.Jenitha

For Respondents: Mr.Inbanathan
Government Advocate

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to consider the representation with regard to refixation of pension by counting

the half of service rendered by the petitioner as Temporary Plot Watcher from 19.11.1983 to 06.08.2009 as qualifying service along with regular service within a time frame.

3. The petitioner was appointed as Plot Watcher, on 01.04.1973. Thereafter, his services were regularized and he was promoted as Forest Watcher, on 11.03.1992. Subsequently, he was promoted as Forest Guard, on 22.07.2002. He retired from service on 30.12.2009. He was paid retirement benefits and regular pension by calculating his regular service. 50% of service rendered by him on temporary basis has not been calculated for pension. In this regard, he has made a representation on 07.04.2016 and thereafter, on 28.05.2016, but, till date, the same was not considered and hence, the Writ Petition has been filed.

4. Ms.K.Jenitha, the learned counsel for the petitioner would submit that as per G.O.Ms.No.408 Finance (Pension) Department, dated 25.08.2009, 50% of service rendered on temporary basis has to be taken into consideration for the purpose of calculating pension. She would further point out that as per Rule 11(2) of the Tamil Nadu Pension Rules, half of the service rendered by a person has to be taken into consideration for the purpose of counting pension. She would further add that the petitioner would be satisfied, if the 3rd respondent is directed to consider and dispose of the representation of the petitioner, dated 28.05.2016.

5. Mr.Inbanathan, the learned Government Advocate, who takes notice on behalf of the respondents, has got no serious objection in directing the 3rd respondent to consider the representation of the petitioner, dated 28.05.2016 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 3rd respondent to consider the representation of the petitioner, dated 28.05.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//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 Forests &
Head of Forest Force
Panagal Building
Saidapet
Chennai-15.
3. The Divisional Forest Officer
Crash Plantation Division
Karur.

+1cc to Mr.K.Jenitha, Advocate, S.R.No.36588
+1cc to the Government Pleader, S.R.No.36529

W.P.No.22279 of 2016

vs[col]
srg 26/07/2016

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