

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40660 of 2015

1.D.Thulasidoss

2.M.Govindasamy

...Petitioners

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 Forest,  
Panagal Building,  
Saidapet, Chennai-15.

3.The District Forest Officer,  
Thiruvallur Forest Division,  
Thiruvallur.

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

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioners as Social Forestry Worker along with the regular service rendered by them till the date of retirement as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent and to grant pension with all consequential monetary benefits.

For Petitioner : Ms.K.Jenitha

For R1 : M/s.M.E.Raniselvam  
Additional Government Pleader

For R2 & R3 : Mr.N.Inbanathan  
Government Advocate (Forest)

For R4 : Mr.V.Vijay Shankar.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. According to the petitioners, they were initially appointed as Social Forestry Worker through Employment Exchange in the Forest Department on 16.06.1983 and 01.04.1984 respectively. As per GO.Ms.No.64, Environment and Forest Department dated 08.03.1999 a statewide seniority list of plot watcher and social forestry workers were prepared. Subsequently, by GO.Ms.No.95, Environment and Forest Department dated 07.08.2009, they were brought under time scale of pay. The petitioners were permitted to retire from service on 30.09.2015 and 30.06.2015 respectively on attaining the age of superannuation.

3. The petitioner would state that as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978 half of the service paid from contingencies have to be counted for the purpose of pension payments. It is further stated that they are entitled for the benefits under GO.Ms.No.44, Environment and Forest (FR-2) Department dated 03.04.2014. However, the benefit was not extended to them. Therefore they made a joint representation dated 11.10.2015, since no order has been passed. The petitioners filed the present writ petition.

4. Heard the submissions of M/s.K.Jenitha, learned counsel appearing for the petitioners and M/s.M.E.Raniselvam, Additonal Government Pleader for R1, Mr.N.Inbanathan, Government Advocate (F) for R2 and R3 and Mr.V.Vijay Shankar for R4 who accepts notice on behalf of the respondents.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondents to consider the representation of the petitioners dated 11.10.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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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,  
Thiruvallur Forest Division,  
Thiruvallur.
- 4.The Principal Accountant General of Tamil Nadu,  
Teynampet, Chennai-18.

+1 cc to Mr.V.Vijayshankar, Advocate, sr.800

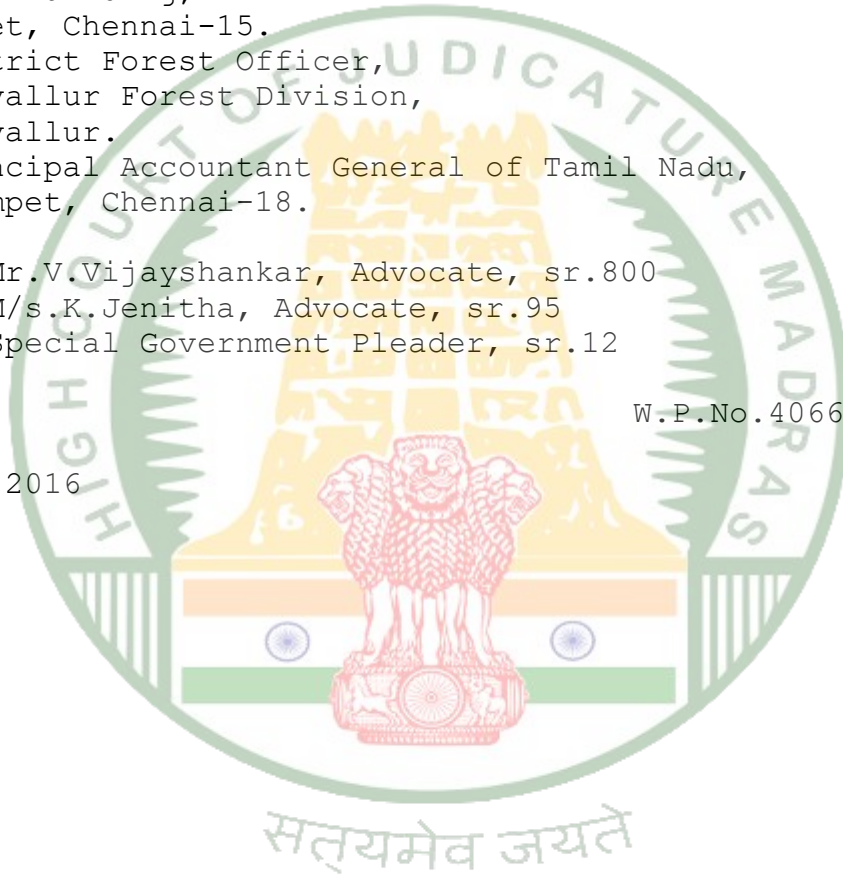
+1 cc to M/s.K.Jenitha, Advocate, sr.95

+1 cc to Special Government Pleader, sr.12

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