

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 25567 to 25569 of 2016

R.Thangaraj .. Petitioner in W.P.No.25567/2016

V.Jayaraman .. Petitioner in W.P.No.25568/2016

C.Ponraj .. Petitioner in W.P.No.25569/2016

Vs.

The State of Tamil Nadu
represented by its Secretary to Government
Environment and Forest Department
Fort St.George
Chennai-600 009.

The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai-15.

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

.. Respondents 1, 2 & 4 in all WPs.

The District Forest Officer
Thiruvaroor Division
Thiruvaroor.

.. Respondent No.3 in W.P.No.25567/2016

The Forestry Extension Officer
Forestry Extension Centre
Salem.

.. Respondent No.3 in W.P.No.25568/2016

The Divisional Forest Officer
Divisional Forest Office
Trichy Social Forestry Division
Trichy.

.. Respondent No.3 in W.P.No.25569/2016

W.P.No. 25567 of 2016 filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.04.1981 to 06.08.2009 on

temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.06.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the 4th respondent for grant of pension with all consequential benefits within a time frame.

W.P.No. 25568 of 2016 filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.03.1980 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 31.10.2011 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the 4th respondent for grant of pension with all consequential benefits within a time frame.

W.P.No. 25569 of 2016 filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.05.1991 to 17.12.2013 on temporary basis along with the regular service from 18.12.2013 till the date of retirement on 30.06.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the 4th respondent for grant of pension with all consequential benefits within a time frame.

For Petitioner :Mrs.K.Jenitha
in all WPs.

For Respondents :Mr.Inbanathan
in all WPs. Government Advocate

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the admission stage itself.

2. In these Writ Petitions, the petitioners seek for a direction to the respondents 1 to 3 to count the half of service rendered by them as Plot Watcher on temporary basis along with the regular service till the date of retirement as qualifying service for the purpose of conferment of pension and to direct the respondents to send a revised pension proposal to the 4th respondent for grant of pension with all consequential benefits.

3. The petitioners joined in service as Plot Watcher, on

01.10.1987, 01.03.1980 and 01.05.1991 respectively and on attaining the age of superannuation, they retired from service by the proceedings of the 3rd respondent. Subsequent to their retirement, the petitioners requested the 3rd respondent to send pension proposal as per the entry made in their Service Registers. Thereafter, the petitioners also submitted their representations to the 3rd respondent, through proper channel, for sending the pension proposal, which were not considered. Hence, these Writ Petitions have been filed.

4. After some elaborate arguments, the learned counsel for the petitioners would submit that though the prayer in these Writ Petitions is for a larger relief, now, he is confining his argument to the limited extent of permitting the petitioners to submit fresh representations to the 3rd respondent and on receipt of such representations, to direct the 3rd respondent to dispose of the same, on merits.

5. On the other hand, the learned Government Advocate, who took notice on behalf of the respondents, would submit that there is no evidence or no proper acknowledgments produced to show that the representations of the petitioners were sent through proper channel and received by the respondents, however, if any fresh representations are made, the same would be disposed of, on merits.

6. Considering the submissions of the learned counsel on either side, this Court, without expressing any opinion on the merits and demerits of the case, permit the petitioners to submit fresh representations to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representations, the 3rd respondent is directed to consider the same and pass appropriate orders, regarding sending the proposal to the 4th respondent, on merits and in accordance with law, within a period of six weeks thereafter.

7. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//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-600 009.

2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai-15.

3.The Principal Accountant General of Tamil Nadu
Teynampet
Chennai-18.

4.The District Forest Officer
Thiruvaroor Division
Thiruvaroor.

5.The Forestry Extension Officer
Forestry Extension Centre
Salem.

6. The Divisional Forest Officer
Divisional Forest Office
Trichy Social Forestry Division
Trichy.

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