

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.27260 of 2016

A.Dharmaraj

.. 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 Forest,  
Panagal Building,  
Saidapet,  
Chennai -15.
  - 3.The District Forest Officer,  
Perambalur District,  
Perambalur.
  - 4.The Principal Accountant General  
of Tamil Nadu,  
Teynampet,  
Chennai - 18.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 14.09.1982 to 24.01.1995 on temporary basis along with the regular service from 25.01.1995 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 pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

For Petitioner : Mr.K.Jenitha  
For Respondents : Mr.E.Manohar

ORDER

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer made in the writ petition is to issue a Writ of Mandamus, directing respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 14.09.1982 to 24.01.1995 on temporary basis along with the regular service from 25.01.1995 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 pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

3. It is the case of the petitioner that he joined as Social Forestry Worker on 14.09.1982 and was paid from contingencies. As per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, his name was included in the State Wide Seniority List in Sl.No.2094. Thereafter, he was promoted as Forest Watcher on 18.12.2006, by the proceedings of the Conservator of Forest, Coimbatore in Proc.No.E4/19569/2005 and was posted at Nilgiris North Forest Division. Subsequently, he was promoted as Forest Guard on 10.07.2013 and he retired from service on 30.06.2016.

4. It is the further case of the petitioner that as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, half of the service rendered by him on temporary basis has to be counted along with regular service for the purpose of conferment of pension. However, the respondents 1 to 3 have not sent his pension proposal to the fourth respondent. Pursuant to the same, the petitioner made a representation dated 04.07.2016 to the third respondent and the same is pending without any progress. Therefore, the petitioner is before this Court with the present writ petition.

5. Learned counsel for the petitioner submits that a similarly placed person filed W.P.No.8205 of 2011 seeking to count half of the service rendered by him on daily wages basis along with regular service for conferment of pension. The said writ petition was allowed by order dated 19.04.2011, which was confirmed by the Division Bench by judgment dated 13.02.2012 in W.A.Nos.27 and 28 of 2012 and the same was affirmed by the Hon'ble Supreme Court by order dated 10.05.2012 in S.L.P.(C) Nos.14838 to 14839 of 2012 and 16119 and 16120 of 2012. Thereafter, the revision petition (C) No.1418 of 2013 filed against the order dated 10.05.2012 was also dismissed by the Hon'ble Supreme Court by order dated 20.07.2013. Pursuant to the same, the Government has implemented the same by G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012. Therefore, the petitioner is also entitled to get the same benefit.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for respondents 1 to 3.

7. Considering the facts and circumstances of the case, this Court directs the respondents to consider the representation of the petitioner dated 04.07.2016 and pass appropriate orders on merits and in accordance with law and also in the light of the order dated 19.04.2011 made in WP.No.8205 of 2011 as expeditiously as possible.

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

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The 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,  
Perambalur District,  
Perambalur.
- 4.The Principal Accountant General of Tamil Nadu,  
Teynampet, Chennai - 18.

+lcc to M/s. K. Jenitha, Advocate, S.R.No.44633  
+lcc to the Government Pleader, S.R.No.44319

PPA(CO)  
EU(30/08/2016

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