

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.27429 to 27431 of 2016

K.Mahamuni .. Petitioner
[in W.P.No.27429 of 2016]

S.Gunasekaran .. Petitioner
[in W.P.No.27430 of 2016]

P.Kannaiyan .. Petitioner
[in W.P.No.27431 of 2016]

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 600 015.
- 3.The District Forest Officer,
Perambalur District, Perambalur.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 600 018. .. Respondents
[in W.P.Nos.27429
& 27430 of 2016]

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 600 015.
- 3.The Wildlife Warden
District Collector Campus, Nagapattinam.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 600 018. .. Respondents
[in W.P.No.27431 of 2016]

PRAYER in W.P.No.27429 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Social Forestry Worker from 23.10.1982 to 18.01.2007 on temporary basis along with the regular service from 19.01.2007 till the date of retirement on 30.04.2016 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.

PRAYER in W.P.No.27430 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.09.1982 to 18.08.2005 on temporary basis along with the regular service from 19.08.2005 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.

PRAYER in W.P.No.27431 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.08.1983 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 pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha
[in all W.Ps]

For Respondents : Mr.S.Gunasekaran
[in all W.Ps] Additional Government Pleader

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COMMON ORDER

By consent, these Writ Petitions are taken up for disposal at the admission stage itself.

2.Heard Ms.K.Jenitha, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3. According to the petitioners, they served as Social Forestry Worker and Plot Watcher from 23.10.1982 to 18.01.2007 ; 01.09.1982 to 18.08.2005 ; and 01.08.1983 to 06.08.2009. Subsequently, their services were brought into regular time scale of pay with effect from 19.01.2007 ; 19.08.2005 ; and 07.08.2009. They retired from service on 30.04.2016 and 30.06.2016 respectively.

4. The grievance of the petitioners is that 50% of the services rendered by them prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11 (2) of the Tamil Nadu Pension Rules. The petitioners have relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 [Government of Tamil Nadu 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, the learned single Judge of this Court has also passed an order in detail to count 50% of service rendered before regularisation in the case of P.Chinniyan vs. State of Tamil Nadu, reported in [2014] 6 MLJ 316.

5. In these circumstances, these Writ Petitions are disposed of, directing the first respondent to count 50% of service rendered by the petitioners before regularisation along with the service rendered after regularisation 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 authorization 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 authorize the same within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

sri

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.

2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The District Forest Officer,
Perambalur District, Perambalur.

4.The Wildlife Warden
District Collector Campus, Nagapattinam.

5.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 600 018.

1 cc to M/s.K.Jenitha, Advocate, sr.44631

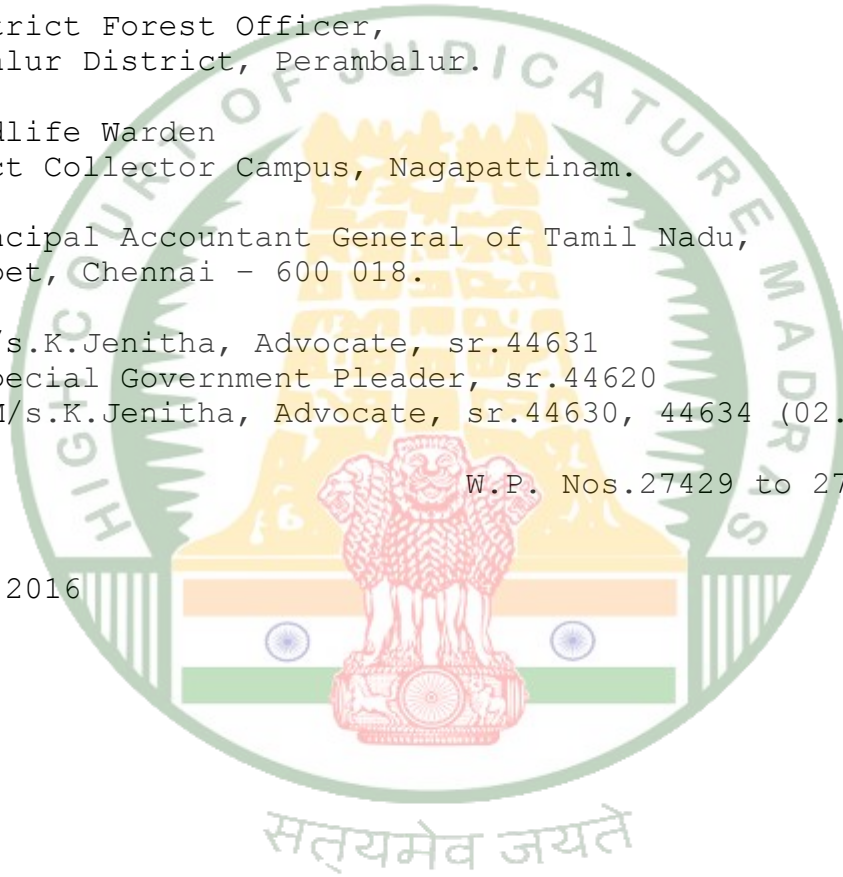
1 cc to Special Government Pleader, sr.44620

2 ccs to M/s.K.Jenitha, Advocate, sr.44630, 44634 (02.09.2016)

W.P. Nos.27429 to 27431 of 2016

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