

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition Nos.28009 of 2016 to 28011 of 2016

V.Subburayan ... Petitioner in W.P.No.28009 of 2016
V.Kuppusamy ... Petitioner in W.P.No.28010 of 2016
K.Kaliyaperumal ... Petitioner in W.P.No.28011 of 2016

-versus-

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 Deputy Conservator of Forests,
State Forest Research Institute,
Kolabakkam, Chennai-127. Respondent No.3 in WP.28009/2016
4. The Principal Accountant
General of Tamil Nadu,
Teynampet, Chennai-18. Respondents No.1, 2 and 4
in all W.P.'s
5. The Forest Extension Officer,
Forestry Extn., Centre, Neyvelli R3 in WP 28010/2016
6. The Forest Officer,
Truchy District, Truchy R3 in WP 28011/2016

PRAYER in W.P.No.28009 of 2016 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 16.08.1976 to 08.04.2003 on temporary basis along with the

regular service from 09.04.2003 till the date of retirement on 31.07.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fourth respondent for grant of pension with all consequential benefits.

PRAYER in W.P.No.28010 of 2016 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.04.1979 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 31.07.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fourth respondent for grant of pension with all consequential benefits.

PRAYER in W.P.No.28011 of 2016 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 18.12.1984 to 08.07.2012 on temporary basis along with the regular service from 09.07.2012 till the date of retirement on 31.03.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send revised pension proposal to the fourth respondent for grant of pension with all consequential benefits.

For petitioner : Mr.K.Jenitha
(in all W.P.'s)
For Respondents : Mr.N.Inbanathan
(in all W.P.'s) Government Advocate (R1 to R3)

C O M M O N O R D E R

In these Writ Petitions, the petitioners seek for a direction to the Respondents 1 to 3 to count the half of service rendered by as Plot Watchers 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 revised pension proposal to the fourth respondent for grant of pension with all consequential benefits.

2. This Court heard and considered the submissions made by the learned counsel on either side.

3. The petitioners joined in service as Plot wathcer on 16.08.1976, 01.04.1976 and as Social Forestry Worker on 18.12.1984 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 sent 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 by the learned counsel on either side, though the prayer in this writ petition is for a larger relief, the learned counsel for the petitioners has, now, confined his argument to the limited extent of permitting the petitioners to submit fresh representations to the 3rd Respondent and on receipt of such representations, directing the 3rd Respondent to dispose of the same, on merits.

5. On the other hand, the learned Government Advocate for the respondents has submitted that there is no evidence or no proper acknowledgements produced to show that the representations of the petitioner 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, without expressing any opinion on the merits and demerits of the case, the petitioners are permitted to submit fresh representations to the 3rd respondent within a period of two weeks from the date of receipt of the 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 2nd Respondent, on merits and in accordance with law, within a period of eight weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Secretary to Government,
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 Deputy Conservator of Forests,
State Forest Research Institute,
Kolabakkam,
Chennai-127.
 4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai-18.
 5. The Forest Extn Officer,
Forest Extn Centre, Neyveli,
 6. The Forest Officer,
Truchy District, Truchy
- +1 CC to Spl. Government Pleader, Sr.No.46140

Writ Petition Nos.28009 to 28011 of 2016

RSY (CO)
MD : 16/09/2016

सत्यमेव जयते

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