

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.28501 of 2016

C.Samiappan

.. Petitioner

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

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.04.1978 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 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 pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.N.Inbanathan
Government Advocate

O R D E R

This Writ Petition has been filed to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.04.1978 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 31.03.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents 1 to 3 to send pension proposal to the fourth respondent for grant of pension with all consequential benefits within time frame.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The petitioner joined service as Plot Watcher in Serambadi Range from 01.04.1981. Subsequently, his services has been regularised on 07.08.2009. He retired from service on 31.03.2016.

4. The grievance of the petitioner is that 50% of the services rendered by him 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. He has 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, this Court also passed an order in detail to count 50% of service rendered before regularisation in the case of P.Chinniyan Vs. State of Tamilnadu, reported in 2014 (6) MLJ 316.

5. In these circumstances, the Writ Petition is disposed of directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the service rendered after regularization 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 judgements referred to above and submit proposal for the terminal benefits for authorization before the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same within a period of two weeks thereafter. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

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

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

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

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

+1 cc to Ms.K.Jenitha, advocate,sr.47451

+1 cc to Spl.Govt.Pleader,sr.46945.

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krd 2/9

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