

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.29234 to 29236 of 2016

R.Radhakrishnan .. Petitioner
[in W.P.No.29234 of 2016]

E.Subramanian .. Petitioner
[in W.P.No.29235 of 2016]

M.Punniyakotti .. Petitioner
[in W.P.No.29236 of 2016]

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Department of Environment and Forest,
Secretariat, Chennai - 600 009.

2.The Conservator of Forest,
Vellore Region,
Rangapuram, Vellore - 632 009.

.. Respondents
[in all W.Ps.]

3.District Forest Officer,
Thiruvannamalai North Division,
Senguram Post, Pakmar Pettai, Polur,
Thiruvannamalai District.

.. Respondents
[in W.P.Nos.29234 &
29235 of 2016]

3.District Forest Officer,
Social Forestry Division,
Rangapuram, Vellore - 632 009.

.. Respondent
[in W.P.No.29236 of 2016]

COMMON PRAYER : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to settle terminal benefits such as Pension, P.F., Gratuity to the petitioners.

For Petitioners : Mr.S.T.Varadarajulu
[in all W.Ps.]
For Respondents : Mr.M.Inbanathan
[in all W.Ps.] Government Advocate

C O M M O N O R D E R

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

2.These Writ Petitions have been filed to issue a Writ of Mandamus, to direct the third respondent to settle terminal benefits such as Pension, P.F., Gratuity to the petitioners.

3.The petitioners joined service as Forest Guard and Plot Watcher in the year 1985 and 1986 respectively and transferred to Panchayat Union in the year 1989 as per G.O.Ms.No.592, Environment and Forest Department dated 16.09.1989. However, the Panchayat Union refused to give employment to the petitioners. Hence, the petitioners challenged the non-employment before the Labour Court, Vellore in I.D.Nos.137, 127 and 144 of 2007 and an award was passed on 05.04.2010 ordering reinstatement with continuity of service with 50% backwages. Challenging the award, the respondent filed W.P.Nos.24045 and 24031 of 2010 before this Court and the same was modified by order dated 08.08.2011 to reinstatement with continuity of service and the respondent to pay Rs.75,000/- towards backwages. Against the said order, the respondent preferred W.A.Nos.758 - 787 of 2012, which were also dismissed by this Court on 17.10.2012. Subsequently, the petitioners were reinstated into service in the year 2012. According to the petitioners, their date of reinstatement given in 2012 is shown as their date of entry into service and they are superannuated on 31.03.2016, 31.06.2016 and 31.05.2016 respectively and hence, they made representations to the third respondent to settle terminal benefits but till date no orders have been passed and hence, the Writ Petition has been filed.

4.Mr.S.T.Varadarajulu, the learned counsel for the petitioners would submit that the petitioners would be satisfied, if their representations are directed to be considered and appropriate orders are passed as expeditiously as possible.

5.Mr.M.Inbanathan, learned Government Advocate for the respondents has got no serious objection for directing the third respondent, who is the appropriate authority to consider the representations of the petitioners and pass appropriate orders, on merits and in accordance with law.

6.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the third respondent, to consider the representations of the petitioners, dated 03.06.2016, 01.07.2016 and 07.07.2016, and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

7.These Writ Petitions are disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Conservator of Forest,
Vellore Region,
Rangapuram, Vellore - 632 009.

3.The District Forest Officer,
Thiruvannamalai North Division,
Senguram Post, Pakmar Pettai, Polur,
Thiruvannamalai District.

4.The District Forest Officer,
Social Forestry Division,
Rangapuram, Vellore - 632 009.

+1 cc to Mr.S.T.Varadarajalu Advocate sr 47989

+1 cc to Special Government Pleader forest sr 47911

W.P. No.29234 to 29236 of 2016

aa14/09/2016