

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos. 32705 of 2016

A.Rajammal

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary,
Environment and Forest Department,
Secretariat, Chennai-9.
- 2.The Principal Chief Conservator of
Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-15.
- 3.The Divisional Forest Officer,
Erode District.
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18.

... Respondents

Writ petition No.32698 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner's husband as Plot Watcher from 1.9.1981 to 22.10.2003 on daily wage basis along with his regular service as Forest Watcher (supernumery post) from 23.10.2003 till 5.4.2015, the date of his retirement so as to enable the petitioner to get family pension and consequently, direct the respondents 1 to 3 to send revised pensionary proposal to the fourth respondent and direct the fourth respondent to pay family pension to the petitioner with all consequential monetary benefits within a specified time.

For Petitioner : Mr.S.Mani
For Respondents : Mr.N.Inabanathan,
Govt. Advocate (Forest)

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to count half of the service rendered by her husband as Plot Watcher from 1.9.1981 to 22.10.2003 on daily wage basis along with his regular service as Forest Watcher (supernumerary post) from 23.10.2003 till 5.4.2015, the date of his retirement so as to enable her to get family pension and consequently, direct the respondents 1 to 3 to send revised pensionary proposal to the fourth respondent and direct the fourth respondent to pay family pension to her with all consequential monetary benefits within a specified time.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

4. It is admitted on both sides that the issue raised in the present writ petition is covered by the decision of this Court made in W.P.No.8205 of 2011, dated 19.4.2011 and W.P.No.13832 of 2011, dated 29.6.2011. Both these orders were confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common Judgment, dated 13.2.2012. The Special Leave Petitions filed by the State against these Judgments in S.L.P (Civil) Nos.14838 and 14839 of 2012 were also dismissed on 10.5.2012.

5. In view of the same, the petitioner is directed to give a fresh representation to the respondents 1 to 3 along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 to 3 are directed to consider the same and pass appropriate orders, in the light of the decision of this Court made in W.P.No.8205 of 2011, dated 19.4.2011 and W.P.No.13832 of 2011, dated 29.6.2011, which was confirmed by the Division Bench in W.A.Nos.27 and 28 of 2012 by a common Judgment, dated 13.2.2012 and by the Hon'ble Supreme Court in S.L.P (Civil) Nos.14838 and 14839 of 2012 on 10.5.2012, within a period of twelve weeks thereafter. The writ petition is

disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai-9.
- 2.The Principal Chief Conservator of
Forests,
Having Office at Panagal Maaligai,
Saidapet, Chennai-15.
- 3.The Divisional Forest Officer,
Erode District.
- 4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai-18.

co(ksj)
cp 21/10/2016

W.P.No.32705 of 2016

सत्यमेव जयते

WEB COPY