

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38430 of 2016 and

WMP.No.32908 of 2016

1. R.Thangamani

2. K.Perumal

3. S.Kannan

... Petitioners

vs.

1.The State of Tamil Nadu rep. by

The Secretary to Government,

Environment and Forests,

Secretariat, Chennai-9.

2.The Principal Conservator of Forests,

15, Jones Road,

Panagal Building, Saidapet,

Chennai-15.

3.The Conservator of Forests,

Salem Division, Salem.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to extend the benefit of G.O.(3D) No.22, E&F Department, dated 30.05.2016 to the petitioners and also to pay the pensionary benefits under Tamil Nadu Pensionary Rules and pay all the pensionary benefits including commutation of pension, pension arrears, leave encashment, Provident Fund, General Provident Fund and Gratuity with 18% p.a.

For Petitioners : Ms.M.Srividhya

For Respondents : Mr.N.Inbanathan,
Government Advocate (F)

ORDER

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

2. The petitioners have come up with the present writ petition seeking to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O.(3D) No.22, Environment and Forests (F2) Department, dated 30.05.2016, to the petitioners and also to pay the pensionary benefits under Tamil Nadu Pensionary Rules including commutation of pension, pension arrears, leave encashment, Provident Fund,

General Provident Fund and Gratuity with 18% p.a.

3. The case of the petitioners is that they were selected for appointment to the post of Social Forestry Worker/Plot Watcher during the years 1983 and 1984 and their names were included in the Statewide Seniority List at S.No.3575, 3541 and 2774 respectively for regular appointment to the post of Forest Watcher and accordingly, the 1st petitioner was promoted to the post of Forest Watcher w.e.f. 06.08.2009 and the 2nd and 3rd petitioners were promoted to the post of Forest Watcher w.e.f. 07.08.2009 and they were all retired from service on 30.09.2014, 31.12.2014 and 30.11.2014 respectively. Thus, it is clear that all the petitioners were regular appointed to the post of Forest Watcher on 06.08.2009 and 07.08.2009. However, they are not eligible for pensionary benefits under Tamil Nadu Pensionary Rules as they have not completed 10 years of regular service, though they have put more than 20 years of service on consolidated pay.

4. While so, with a view to help the Government Servants like petitioners, the Government has passed an order in G.O.Ms.No.408, Finance Department, dated 25.08.2009, entitling them to count 50% of the temporary or consolidated pay or non-provincialised service also along with the regular service to enable them to get the pensionary benefits. As per the said Government Order, the petitioners are also entitled for pension. Accordingly, the 3rd respondent has recommended the case of the petitioners. But the same has not been considered, however, the Government itself have passed an order in G.O. (3D) No.22, Environment and Forests (FR-2) Department, dated 30.05.2016 in favour of hundreds of similarly placed candidates. In this regard, the petitioners have made a representation dated 22.10.2016 to the 1st respondent, but the same has also not been considered. Hence the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioners, this Court directs the petitioners to furnish a copy of the representation dated 22.10.2016 along with a copy of this Order to the 1st respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent shall pass orders on merits and in accordance with law and also in the light of G.O.(3D) No.22, Environment and

Forests Department, dated 30.05.2016, within a period of six weeks thereafter.

7. The Writ Petition is disposed of accordingly, No costs. Consequently, connected Miscellaneous Petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forests,
Secretariat, Chennai-9.
 - 2.The Principal Conservator of Forests,
15, Jones Road,
Panagal Building, Saidapet,
Chennai-15.
 - 3.The Conservator of Forests,
Salem Division, Salem.
- +1 cc to Ms.M.Srividhya Advocate sr 63077
+1 cc to the Special Government Pleader Forest
sr 63111

सत्यमेव जयते W.P.No.38430 of 2016

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