

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40683 of 2016

N.Chinnaraj

... Petitioner

Vs

1 The Principal Chief
Conservator of Forest Panagal Maaligai
Saidapet Chennai-600 015.

2 The District Forest Officer
Vellore Circle Vellore District.

3 The Accountant General of
Tamil Nadu Office at DMS Compound
Teynampet Chennai-600 018.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to take into consideration the half of the service rendered by the petitioner on daily wage basis from 01.06.1981 to 14.11.1991 along with the regular service rendered by him as Forest Watcher and Forest Guard respectively from 15.11.1991 to 31.05.2013 as per second proviso to Rule 11(4) (iii) of the Tamil Nadu Pension Rules and further direct the respondents 1 and 2 to send a revised enhanced pension proposal to the third respondent within a period to be stipulated by this Honourable Court so as to enable the petitioner to get enhanced pension with all consequential monetary benefits.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inbanathan,
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 and 2 to take into consideration the half of the service rendered by him

on daily wage basis from 1.6.1981 to 14.11.1991 along with the regular service rendered by him as Forest Watcher and Forest Guard respectively from 15.11.1991 to 31.5.2013 as per second proviso to Rule 11(4) (iii) of the Tamil Nadu Pension Rules and further direct the respondents 1 and 2 to send a revised enhanced pension proposal to the third respondent within a period to be stipulated by this Court so as to enable him to get enhanced pension with all consequential monetary benefits.

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. Therefore, the present writ petition is allowed on the same lines as the above writ petitions were allowed. The orders shall be implemented within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1 The Principal Chief
Conservator of Forest Panagal Maaligai
Saidapet Chennai-600 015.
- 2 The District Forest Officer
Vellore Circle Vellore District.
- 3 The Accountant General of
Tamil Nadu Office at DMS Compound
Teynampet Chennai-600 018.

+1 cc to M/s.S.Mani,advocate,sr.67239
+1 cc to Govt.pleader,sr.67224.

cp(co)
krd 19/12

W.P.No.40683 of 2016