

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41513 of 2016

1 Gana Durai
2 Kumar .. Petitioners

Vs

1 The Divisional Forest Officer
Social Forestry Division Vellore-9
2 The Principal Chief
Conservator of Forests Panagal Building
Saidapet Chennai-15
3 Government of Tamil Nadu
Rep by Principal Secretary Environment and
Forest Department Secretariat Chennai-9
4 The Principal Accountant
General of Tamil Nadu Teynampet Chennai-18
... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents one to three to count half of service rendered by the petitioners on daily wage basis along with regular service of plot watcher (supernumerary post) rendered by them till their date of retirement so as to get pension and to send revised pensionary proposals to the fourth respondent to pay pension to the petitioners with all consequential benefits and grant such other relief as deems fit to this Honourable Court under the circumstances of case .

For Petitioners : Mr.P.Ganapathy
For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forest),
for R1 to R3

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to count half of the service rendered by them on daily wage basis along with regular service of plot watcher (supernumerary post) till their date of retirement so as to get pension and to send revised pensionary proposals to the fourth respondent to pay pension to them with all consequential benefits.

2. It is the case of the petitioners that they were working as Social Forestry Worker / Plot Watcher in the office of the first respondent on daily wage basis. While so, the respondents have drawn a state wide seniority list of daily wage employees for the purpose of bringing them into regular service and the petitioners' names were also included in the said list. Subsequently, they were brought into regular service of Plot Watcher by creating supernumerary post. Now, the petitioners had put in more than 30 years of service without any break and have retired from service on 30.6.2016 and 31.5.2016 respectively. But, pension has not been paid to them in accordance with Rule 11(2) of Tamil Nadu Pension Rules, 1970. Further, half of the service rendered by them has to be taken into consideration for conferring the pensionary benefits. In similar circumstances, this Court by order dated 3.10.2015 in W.P.No.34939 of 2015, directed the respondents to consider the claim of the petitioners therein, who are similarly placed, for calculation of pensionary benefits. In this regard, the petitioners sent representations dated 30.6.2016 and 31.5.2015 to the first respondent seeking pensionary benefits. Since the same was not considered so far, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier. सत्यमेव जयते

3. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents 1 to 3. In view of the limited order to be passed herein, this Court is of the opinion that notice is not necessary to the fourth respondent.

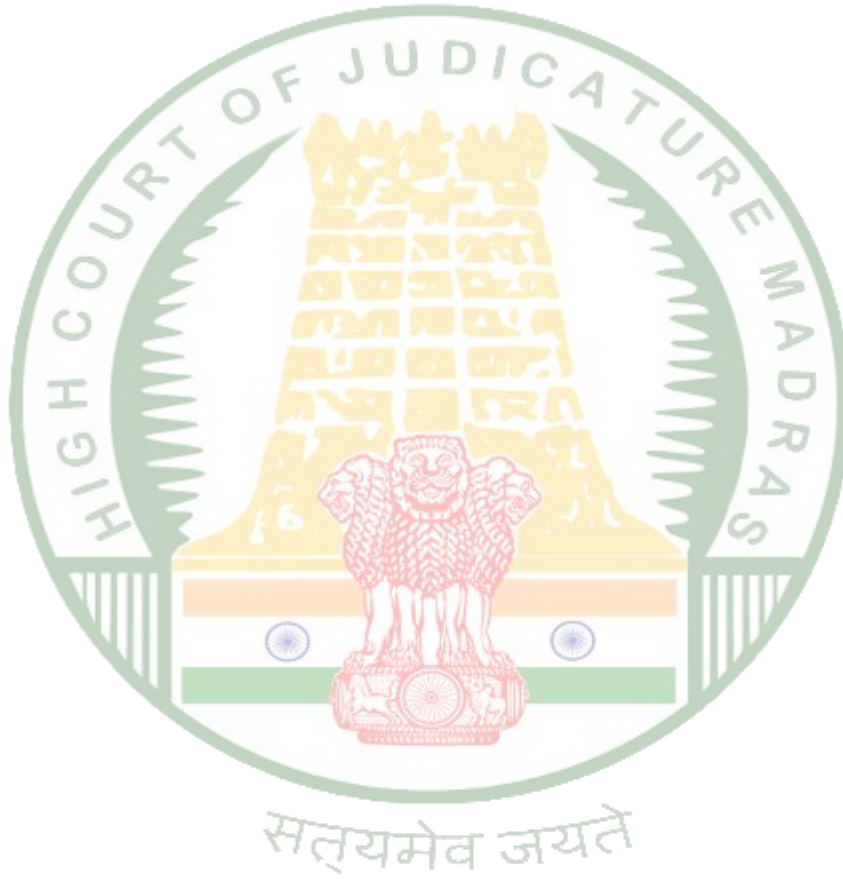
4. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the respondents 1 to 3 to consider the representations of the petitioners dated 30.6.2016 and 31.5.2016 respectively seeking pensionary benefits and pass appropriate orders, on merits and in accordance with law, within a period of

six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar



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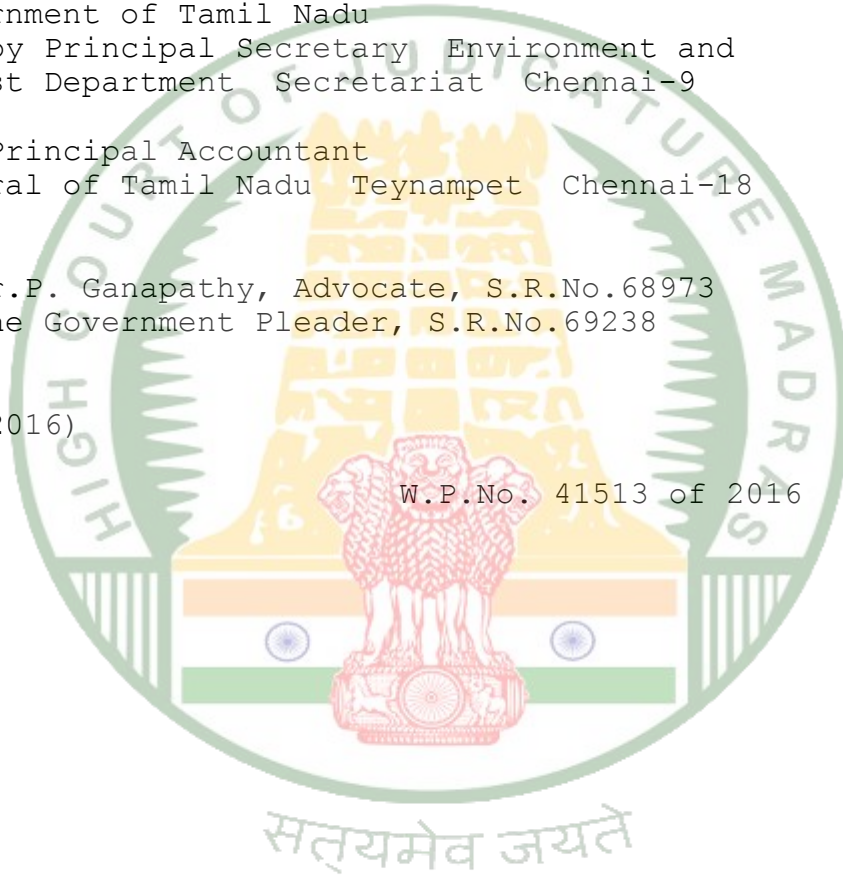
To

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Rep by Principal Secretary Environment and
Forest Department Secretariat Chennai-9
- 4 The Principal Accountant
General of Tamil Nadu Teynampet Chennai-18

+1cc to Mr.P. Ganapathy, Advocate, S.R.No.68973
+1cc to the Government Pleader, S.R.No.69238

ev(CO)
md(22/12/2016)

W.P.No. 41513 of 2016



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