

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42225 of 2016

Inbakumari

... Petitioner

Vs

1.The Government of Tamil Nadu
Rep. by its Secretary
Environment & Forest Department
Fort St. George Chennai 600 009.

2.The Principal Chief Conservation of Forest
having office at Panagal building
Saidapet Chennai 600 015.

3.The Wild Life Warden
Guindy childrens Park
Guindy Chennai.

4.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 to 3 to count half of the service rendered by the petitioners husband as Plot Watcher on daily wage basis from 01.12.1983 till 23.01.1995 along with his regular service as Plot Watcher (superannumerary Post) from 24.01.1995 till the date of prior to his death on 20.11.2012 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 4th Respondent direct the 4th respondent to pay family pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.S.Mani

For Respondents : Mr.N.Inabanathan,
Government 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 on daily wage basis from 1.12.1983 till 23.1.1995 along with his regular service as Plot Watcher (superannumerary Post) from 24.1.1995 till the date of prior to his death on 20.11.2012 so as to enable her to get family pension and consequently, to 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.

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(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

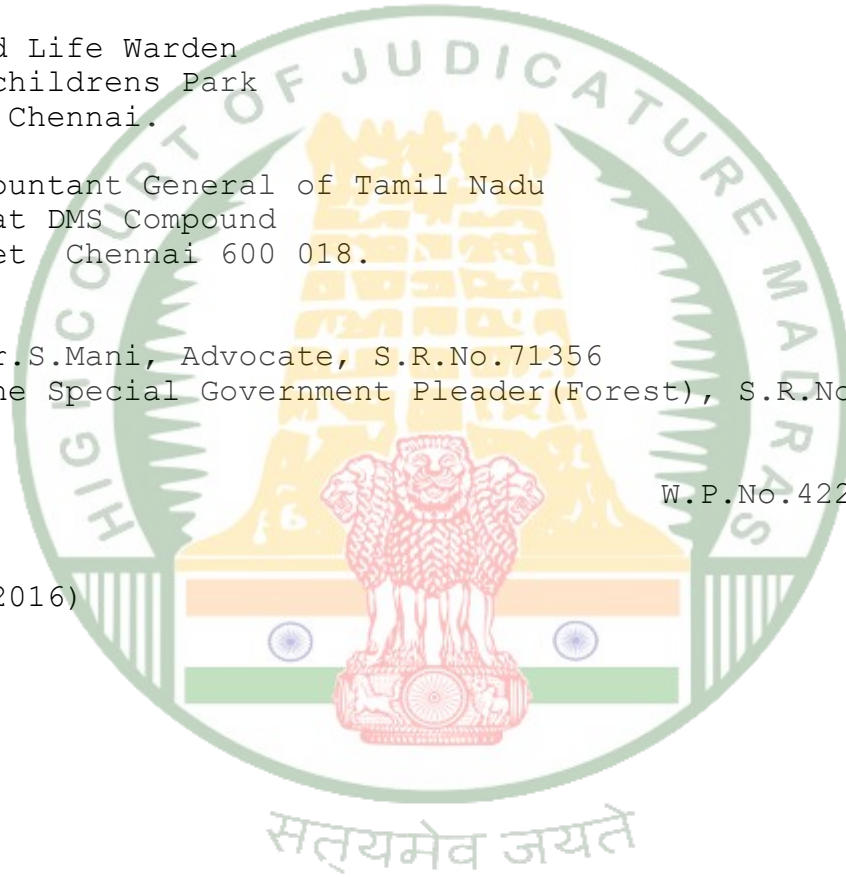
- 1.The Secretary
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- 3.The Wild Life Warden
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- 4.The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet Chennai 600 018.

+1cc to Mr.S.Mani, Advocate, S.R.No.71356

+1cc to the Special Government Pleader(Forest), S.R.No.70992

W.P.No.42225 of 2016

VSN(CO)
CA(30.12.2016)



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