

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42912/2016

M.Govindasamy .. Petitioner

Vs.

1.The Secretary to Government
State of Tamil Nadu,
Forest & Environment Department
Fort St George, Chennai-600 009.

2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet,
Chennai 600 015.

3.The District Forest Officer
Urban Forestry Division,
Chennai 600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to count half of the service rendered by the petitioner from 01.06.1983 to 26.11.2008 for the purpose of conferment of pension along with regular service rendered by him from 27.11.2008 to 28.02.2011 and grant pension to petitioner with all other consequential benefits.

For Petitioner : Mr.D.Bakthavatchalam

For Respondents : Mr.N.Inbanathan, GA [Forests]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate [Forests] accepts notice on behalf of the respondents.

2 The petitioner would state that he was appointed as Plot Watcher in the services of the Forest Department on 01.06.1983 and according to him, ever since from the date of appointment, he was continuously engaged by the respondents 1 to 3 on daily rate basis and a decision has been taken to draw State-wide Seniority List for the purpose of bringing all the daily rate workers in the Forest Department under regular time scale of pay and to confer them with all consequential benefits. The petitioner would state that he has joined the services on 01.06.1983 and his services came to be regularised after rendering 25 years 5 months and 26 days of service, on 27.11.2008 as Forest Watcher and he retired from service on attaining the age of superannuation on 28.02.2011. The grievance expressed by the petitioner is that in spite of long years of service, he is not in a position to get any pensionary benefits for the reason that in the regular

service, he has put in only 4 years 3 months and 2 days and in this regard, the petitioner has submitted a representation dated 04.02.2013 to the respondents 1 to 3 and in spite of the receipt and acknowledgment of the same, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to G.O.Ms.No.406, Finance [Pension] Department, dated 25.08.2009 and would submit that in respect of daily wagers, the above cited Government Order stipulates that half of the service rendered by those persons who were regularised prior to 01.04.2003, is to be taken into account for conferring pension and in similar facts and circumstances, this Court, vide order dated 19.04.2011 made in WP.No.8205/2011 [***M.Gopal V. the Secretary to Government, State of Tamil Nadu, Forest and Environment Department, Fort St. George, Chennai-9 and three others***], has taken note of the earlier judgments and directed the 1st respondent therein to count 50% of the services rendered by the petitioner therein for the purpose of providing pensionary benefits and therefore, prays for appropriate orders.

4 Heard the submissions of Mr.N.Inbanathan, learned Government Advocate [Forests] appearing for the respondents and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 3rd respondent to consider the representation of the petitioner dated 04.02.2013 on merits and in accordance with law and pass orders on merits and in accordance with law and take appropriate action within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

08.12.2016

Index : Yes / No

Internet : Yes / No

AP

To

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M.SATHYANARAYANAN, J.,

AP

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