

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.43049 of 2016

G.Kesavan

...Petitioner

-Vs-

1. The State of Tamil Nadu,
rep. by its Secretary to the Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
 2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.
 3. The District Forest Officer,
Cuddalore Forestry Division,
Cuddalore.
 4. The Principal Accountant General of TamilNadu,
Teynampet,
Chennai - 18.
- ...Respondents

Writ petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the 1st to 3rd respondents to count the half of service rendered by the petitioner as Social Forestry Worker from 01.02.1982 to 23.01.1995 on temporary basis along with the regular service from 24.01.1995 till the date of retirement on 31.05.2013 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent for conferred the same under old pension with all consequential benefits within the time frame.

For Petitioner	:	Ms.K.Jenitha
For Respondents	:	Mr.N.Inbanathan, Government Advocate for R1 to R3 Mr.V.Vijayashankar for R4

O R D E R

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

2. The petitioner joined service as a Social Forestry Worker on 01.02.1982 and paid salary from contingencies. The respondents had issued G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999 for the preparation of State Wide Seniority List of Social Forestry Workers for the purpose of regularising their services as and when the vacancy arises and the name of the petitioner was included in the State Wide Seniority List in Serial No.1688 and the petitioner was promoted as Forest Watcher on 08.07.2004 and further promoted as Forest Guard. The petitioner would further stated that as per G.O.Ms.No.332, Environment and Forest Department dated 22.12.1994 , a new condition was imposed stipulating pass in S.S.L.C. for holding regular post of Forest Watcher. Accordingly, 425 qualified persons were appointed as Forest Watchers. Challenging the same, O.A.No.197 of 1995 was filed before the Tamilnadu Administrative Tribunal and during the pendency of the same, the government relaxed the service rules and restored the qualification as ability to read and write, instead of a pass in S.S.L.C. vide G.O.Ms.No.64 E&F department dated 08.03.1999. The petitioner also filed a writ petition in W.P.No.2605 of 2012 seeking to direct the respondent to appoint him as Forest Water under regular time scale and it was ordered. By proceedings dated 11.12.2013, the first respondent has fixed the pay scale in the post of Forest Watcher on par with the juniors and also issued order for regularisation with effect from 24.01.1995. The petitioner attained the age of superannuation and retired from service on 31.05.2013. After retirement, he submitted a representation praying for counting 50% of the service rendered by him in temporary capacity along with the regular service and to confer him with pensionary benefits and since the representation has not been given disposal, the petitioner came forward to file this present writ petition.

3. This Court, heard the submission of Mr.N.Inbanathan, learned Government Advocate , who accepts notice for the 1st to 3rd respondents and Mr.V.Vijayashankar learned counsel who accepts notice for the 4th respondent.

4. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first to third respondents to consider and dispose of the petitioner's representation dated 08.11.2015 and 05.05.2015 on merits and in accordance with law and pass orders 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. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to the Government,
Environment and Forest Department,
Fort St.George, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
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Saidapet, Chennai - 15.
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Cuddalore.
4. The Principal Accountant General of TamilNadu,
Teynampet, Chennai - 18

+1cc to Mr.K. Jenitha, Advocate, S.R.No.72848

md(05/01/2017)

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