

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5399 of 2016

N.Radhakrishnan

.. Petitioner

v.

1 Government of Tamil Nadu,
Rep by its Principal Secretary to Government,
Forest and Environment Department
Fort St., George Chennai 9.

2 The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1 Jeenis Road, Panagal Building,
Saidapet Chennai 15.

3 The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri,
Dharmapuri District.

4 The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai 18.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondents to count half of the service rendered by the petitioner as Plot Watcher from 1.3.1982 to till 6.8.2009 along with regular service rendered by the petitioner as Plot Watcher in the Supernumerary Post and Forest Watcher on from 7.8.2009 to 31.12.2015 as qualifying service for pensionary benefits and send the proposal to the 4th respondent for grant pension with all consequential monetary benefits

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.N.Inbanathan
Govt. Advocate

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus to direct the respondents to count half of the service rendered by the petitioner as Plot Watcher from 1.3.1982 till 6.8.2009 along with regular service rendered by him as Plot Watcher in the Supernumerary Post and Forest Watcher on and from 7.8.2009 to 31.12.2015 as qualifying service for pensionary benefits and send the proposal to the forth respondent for grant pension with all consequential monetary benefits.

2. Mr.M.R.Jothimanian, learned counsel appearing for the petitioner, submitted that the issue involved in the present writ petition was already settled by this court in W.P.No.18138 of 2014, dated 5.8.2014, which was also confirmed by the Hon'ble Supreme Court made in S.L.P.Nos.14838 and 14839 of 2012, dated 10.05.2012. Further, the learned counsel submitted that the Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012.

3. Mr.N.Inbanathan learned Government Advocate, takes notice for the respondents and submitted that the issue is covered by the decision of the Hon'ble Supreme Court made in S.L.P.Nos.14838 and 14839 of 2012.

4. In these circumstances, the writ petition is disposed of by directing the first respondent to count 50% of service rendered by the petitioner before regularization along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules and also the judgements referred to above and submit proposal for the terminal benefits for authorization before the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorise the same, within a period of two weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary to Government,
Forest and Environment Department Fort St.
George Chennai 9.
- 2 The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1 Jeenis Road, Panagal Building,
Saidapet Chennai 15.
- 3 The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri,
Dharmapuri District.
- 4 The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai 18.

+1cc to M/S.M.R.Jothimanian, Advocate, S.R.No.9337

+1cc to the Government Pleader, S.R.No.9240

ev (CO)
srg (24/02/2016) 0

W.P.No.5399 of 2016

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