

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANA SUNDARAM

W.P.No.629 of 2016

Kamala

.. Petitioner

Vs

1.The Secretary

State of Tamil Nadu
Environment and Forest Department,
Chennai-9.

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

3.The Divisional Forest Officer
Social Forest Division, Vellore-9.

4.The Accountant General of Tamil Nadu
Office of Accountant General,
Teynampet, Chennai-18.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the 3rd respondent to consider the representation dated 23.4.2015 submitted by the petitioner in accordance with law in the light of the similar recent order passed in W.P.No.28721/2015 dated 11.9.2015 come forwarded the pension proposal to the 1st respondent and on receipt of the same the 1st respondent is directed to consider the said proposal sent by the 3rd respondent in accordance with law.

For Petitioner : Mr.P.Ganapathi

For RR 1 to 3 : Mr.N.Inbanathan, GA[Forests]

For R4 : Mr.V.Vijayshankar

O R D E R

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

2. The petitioner would state that her husband was a Social Forest Worker in the office of the 3rd respondent and he joined the service on 01.08.1981 on daily wage basis. It is further stated that in terms of G.O.Ms.No.64, Environment and Forest Department dated 08.03.1999, the respondents have drawn a State wide seniority list of Plot Watchers/Social Forest Workers for the purpose of bringing them into regular service and the name of the petitioner's husband was included in Sl.No.1617 in the State wide list and he was brought into regular service as Plot Watcher by creating supernumerary post in accordance with G.O.Ms.No.95 of the very same Department dated 07.08.2009.

3. It is further stated that her husband died in harness on 20.05.2010 and no family pension has been paid in accordance with Rule 11 [2] of Tamil Nadu Pension Rules, 1970 and half of the service rendered by the petitioner's husband will have to be taken into consideration for conferring the pensionary benefits. In this regard, the petitioner has submitted a representation dated 23.04.2015 to the respondents and since no orders have been passed, she came forward to file this writ petition.

4. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 11.09.2015 made in WP.No.28721 of 2015 and would submit that in similar facts and circumstances, this Court has directed the respondents therein to count half of the service rendered by the husband of the petitioner therein as Plot Watcher on daily wage basis along with regular service as Plot Watcher [supernumerary post] and treat as his qualifying service for calculating pensionary benefits with a further direction to sent necessary proposal to the respondent concerned and was directed to pass orders within a stipulated time and hence, prays for similar orders.

5. This Court heard the submissions of N.Inbanathan, learned Government Advocate [Forests] who accepts notice for the respondents 1 to 3 and Mr.V.Vijayshankar, learned counsel who accepts notice for the 4th respondent.

6. This Court, in the light of the above facts and circumstances, directs the 3rd respondent to consider the representation dated 23.04.2015 submitted by the petitioner in accordance with law and taking note of the above cited order passed in WP.No.28721 of 2015 and forward the proposal to the 1st respondent within a period of four weeks from the date of

receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said proposal sent by the 3rd respondent on merits and in accordance with law, within a further period of ten weeks thereafter and communicate the decision taken to the petitioner.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary
State of Tamil Nadu
Environment and Forest Department,
Chennai-9.
- 2.The Principal Chief Conservator of Forests,
Panagal Maligai, Saidapet,
Chennai 600 015.
- 3.The Divisional Forest Officer
Social Forestry Division,
Vellore-9.
- 4.The Accountant General of Tamil Nadu
Office of Accountant General,
Teynampet,
Chennai-18.

+1cc to Mr.P.Ganapathy, Advocate, S.R.No.2010
+1cc to the Government Pleader, S.R.No.1480

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skv (CO)
srg (02/02/2016)