

In the High Court of Judicature at Madras

Dated: 05.01.2016

Coram

The Honourable Mr.JUSTICE K.KALYANASUNDARAM

Writ Petition No.75 of 2016

M.Mannangatti

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai-9.
2. The District Forest Officer,
Vellore Division,
Vellore.
3. The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18. Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the respondents to count the half of service rendered by the petitioner as Temporary Plot Watcher from 19.11.1983 to 06.08.2009 along with the regular service rendered by him as permanent Plot Watcher from 07.08.2009 till his retirement on 31.10.2015 as qualifying service for the purpose of conferment of pension and other terminal benefits in the light of Rule 11 (2), of the Tamil Nadu Pension Rules and also to direct the 2nd respondent to send pension proposal to the third respondent to authorize the same with all consequential monetary benefits.

For Petitioner : Mr.K.Jenita
For Respondents : Mr.N.Inbanathan G.A(F)
(R1 and R2)
Mr.V.Vijay Shankar (R3)

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. According to the petitioner, he was initially appointed as Plot watcher in Social Forestry Range through Employment Exchange in the Forest Department on 19.11.1983. As per GO.Ms.No.64, Environment and Forest Department dated 08.03.1999 a statewide seniority list of plot watcher and social forestry workers were prepared. As per G.O.Ms.No.64 the petitioner's name was included in the State Wide Seniority list in Serial No.3157 based on his initial date of appointment. Subsequently, by GO.Ms.No.95, Environment and Forest Department dated 07.08.2009, he was conferred with all benefits as that of the Government servant and he was promoted as Forest Watcher by the order of the second respondent dated 23.02.2011. The petitioners were permitted to retire from service on 31.10.2015 on attaining the age of superannuation.

3. The petitioner would state that as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978 half of the service rendered as Temporary Plot watchers from 19.11.1983 to 06.08.2009 has to be counted for the purpose of pension payments. It is further stated that he is entitled for the benefits under GO.Ms.No.44, Environment and Forest (FR-2) Department dated 03.04.2014, since, the benefit was not extended the petitioner made a representation dated 17.11.2015 to the second respondent. Since no order has been passed, the petitioner filed the present the writ petition.

4. Heard the submissions of M/s.K.Jenitha, learned counsel appearing for the petitioner, Mr.N.Inbanathan, learned Government Advocate (F) who accepts notice on behalf of R1 and R2 and Mr.V.Vijay Shankar, learned counsel who accepts notice on behalf of the fourth respondent.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the second respondent to consider the representation of the petitioner dated 17.11.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

arr/ssn

To

1. The Secretary to Government
Environment and Forest Department,
Fort St. George,
Chennai-9.
2. The District Forest Officer,
Vellore Division,
Vellore.
3. The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.

+1 cc to Mr.V.VijayShankar Advocate sr.801

+1 cc to Ms.K.Jenitha Advocate sr.685

+1 cc to Special Government Pleader(F) sr.481

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kjl(co)
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