

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.915 of 2016

R.Mannammal

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep. By its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai -9.
- 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Panagal Building,
Saidapet, Chennai - 15.
- 3.The Deputy Director,
Aringnar Anna zoological Park
Vandalur, Chennai - 48.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18. .. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as temporary plot watcher from 01.08.1991 to 30.09.2010 along with the regular service rendered by him as permanent Guardener from 01.10.2010 till his death on 11.01.2014 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 3rd respondent to send family pension proposal to the 4th respondent to authorise the same with all consequential monetary benefits within the time frame fixed by this court.

For Petitioner : Mr.K.Jenitha

For Respondents : Mr.N.Inbanathan

O R D E R

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

2.The petitioner has filed this writ petition, directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as temporary plot watcher from 01.08.1991 to 30.09.2010 along with the regular service rendered by him as permanent Guardener from 01.10.2010 till his death on 11.01.2014 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 directing the third respondent to send family pension proposal to the fourth respondent to authorise the same with all consequential monetary benefits within the time frame fixed by this court.

3.It is the case of the petitioner that her husband by name U.Ramadoss joined in service as Plot Watcher on 01.08.1991 in Karikili Bird Sanctuary Range of Arignar Anna Zoological Park, Vandalur and died on 11.01.2014, while he was in service. According to the petitioner, as her husband was paid only from contingencies, he is entitled to count half of the service rendered for the purpose of pension, in terms of Rule 11(2) of the Tamil Nadu Pension Rules, 1978.

4.It is the further case of the petitioner that similarly placed person approached this court by filing WP.No.8205 of 2011 seeking to count half of the service rendered by him on daily wages basis along with regular service for conferment of pension. The said writ petition was allowed by order dated 19.04.2011, which was also confirmed by the Division Bench of this court by judgment dated 13.02.2012 made in W.A.Nos.27 and 28 of 2012 and the same was also affirmed by the Hon'ble Supreme Court. Pursuant to the same, the Government issued G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012. Therefore, the petitioner approached this court with the present writ petition for the above stated relief.

5.The learned counsel for the petitioner submitted that for claiming the said benefits, the petitioner made a representation dated 07.04.2014 to the second respondent and it would suffice, if a direction is given to the authority concerned to dispose of the said representation.

6.Heard the learned standing counsel for the respondents.

7.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the second respondent to consider and pass orders on the

petitioner's representation dated 07.04.2014 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai -9.
- 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
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- 3.The Deputy Director,
Aringnar Anna zoological Park
Vandalur, Chennai - 48.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

+1cc to Mr.K.Jenitha, Advocate, S.R.No.2146
+1cc to the Special Government Pleader, S.R.No.1766

सत्यमेव जयते

W.P.No.915 of 2016

ctk(CO)
srg(12/02/2016)

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