



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17612 of 2016

WEB COPY

Sethupandiyan

... Petitioner

vs.

- 1) The Government of Tamil Nadu,
Rep. by Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai - 9.
2. Principal Chief Conservator of Forests,
Panagal Building,
Chennai - 15.
3. The District Forest Officer,
Ramnad,
Ramnad District,
4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the Respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 01.08.1990 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.08.2013 as qualifying service and send the revised pension proposal to the 4th Respondent and to further direct the 4th Respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner : Mr.G.Chandrasekar
For Respondents 1 to 3 : Mr.S.Kumar,
Additional Government Pleader
For 4th Respondent : Mr.P.Gunasekaran,
Standing Counsel

ORDER

This writ petition has been filed seeking a direction to respondents 1 to 3 to count half of the service rendered by the petitioner as Social Forest Worker from 01.08.1990 to 06.08.2009 along with his regular service as Plot Watcher from 07.08.2009 to 31.08.2013 towards qualifying service and to send the revised pension proposal to the 4th respondent and to direct the 4th respondent to sanction the eligible pension and all other retirement benefits.



2.The learned counsel for the petitioner relied upon a decision of this Court in *P.Chinnayan v. State of Tamil Nadu* reported in (2014) 6 MLJ 316, wherein this Court has issued a direction to count 50% service rendered before regularization along with regular service for the purpose of calculation of pension and other terminal benefits in the light of Rule 11(2) and 11(4) of Tamil Nadu Pension Rules, 1978.

3.The petitioner has sent a representation dated 14.07.2016, to the respondents, stating that after 23 years of service his services have been regularised and despite his retirement on 31.08.2013 he has not been granted any retirement benefits. Quoting the order passed by this Court in W.P.(MD) No.25293 of 2010, wherein order has been passed to consider 50% of service from date of joining to date of regularization for calculation of pension benefits after regularization, the petitioner claims that the same order will be applicable to him also and that judgment should be taken into account, while calculating his pension and other benefits.

4.Learned counsels for the respondents submitted that it is agreeable for the respondents to consider the representation of the petitioner dated 14.07.2016 and to pass orders.

5.Recording the above submission, this Writ Petition is disposed of directing the first respondent to consider the representation of the petitioner dated 14.07.2016, in the light of judgment of this Court in *P.Chinnayan v. State of Tamil Nadu* reported in (2014) 6 MLJ 316 and to pass appropriate 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. No costs.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1)The Secretary to the Government,
Government of Tamil Nadu, Finance (Pension) Department,
Fort St. George, Chennai - 9.
- 2.The Principal Chief Conservator of Forests, Panagal Building,
Chennai - 15.
- 3.The District Forest Officer, Ramnad, Ramnad District,
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.54364

+One cc to Mr.G.Chandrasekara, Advocate, SR.No.54066

sj

RL/7C/2P/DB/24.10.2016

W.P(MD)No.17612 of 2016
19.09.2016 (5/5)