



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALAW.P(MD) No.19028 of 2016

WEB COPY

R.Panchavarnam

... Petitioner

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary,
Forest and Environment (FR - 2) Department,
Secretariat, Chennai - 600 009.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.

3.The Forest Range Officer,
Social Forest Range,
Sivakasi,
Virudhunagar District.

4.The Divisional Forest Officer,
Social Forestry Division,
Virudhunagar District.

5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders to count half of the service of the petitioner before his absorption on 7.8.2009 i.e. from 1.12.1985 to 6.8.2009 along with the regular service from 7.8.09 for the purpose of pension and settle the retirement benefits with 12% interest.

For Petitioner : Mr.K.Seemaraj

For RR - 1 to 4 : Mr.S.Chandrasekar
Government Advocate

For R - 5 : Mr.P.Gunasekaran

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to count 50% of the service rendered by the petitioner before regularization along with the services rendered after regularization for the purpose of getting pension and other retirement benefits.

2. Heard the learned counsel appearing for the petitioner; the learned Government Advocate, who takes notice for the respondents 1 to 4 and the learned counsel for the fifth respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The facts leading to the filing of the Writ petition are as follows:

The petitioner was appointed to the post of Supernumerary Plot Watcher on daily wage basis. Later on, there was a Government Order directing that on completion of 10 years of service, services would be regularised from the date of the Government Order i.e., from 07.08.2009. Accordingly, service of the petitioner was regularised in the post of Watcher in the time scale of pay. The petitioner has attained superannuation on 31.05.2016. Thereafter, he made a representation dated 15.06.2016, claiming that his services should be counted for the purpose of getting pension to the extent of 50% at least and his request has not been not considered. Therefore, the present Writ Petition has been filed.

4. The issue involved in this Writ Petition is covered by the decision of this Court in WP(MD)No.23421 of 2015 dated 22.12.2015, wherein this Court has directed the respondents to consider the request of the petitioner therein in the light of the prayer made in that writ petition.

5. It is not in dispute that the petitioner is also a person similarly placed and he is also entitled to the benefit as prayed for.

6. Under such circumstances, the first respondent is directed to count half of the service of the petitioner (50%) before his absorption on 07.08.2009 i.e., from 01.12.1985 to 06.08.2009 along with the regular service from 07.08.2009, for the purpose of pension and thereafter, to settle the retirement benefits within a period of eight weeks from the date of receipt of a copy of this order.



7.The Writ Petition is disposed of with the above direction. No costs.

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Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary,
State of Tamil Nadu,
Forest and Environment (FR - 2) Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
- 3.The Forest Range Officer,
Social Forest Range,
Sivakasi,
Virudhunagar District.
- 4.The Divisional Forest Officer,
Social Forestry Division,
Virudhunagar District.
- 5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.58518

+One cc to The Special Government Pleader, SR.No.59104

mj

RL/8C/3P/GSV/PM/21.10.2016

W.P. (MD) No.19028 of 2016
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