



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21334 of 2016

P.Alagarsamy

: 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 Buildings,
Saaidapet, Chennai.

3.Conservator of Forest,
Tirunelveli Circle,
Tirunelveli.

4.The District Forest Officer,
Tirunelveli Division,
Tirunelveli.

5.The Forest Range Officer,
Tirunelveli, Tirunelveli District.

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

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents from 1 to 5 to count half of the service of the petitioner before his absorption on 02.07.2004 along with the regular service from 02.07.2004 to 31.01.2014 in the qualifying service and send the revised pension proposal to the sixth respondent and to further direct the sixth respondent to sanction the eligible pension and all other terminal benefits within the time as stipulated by this Court.

For Petitioner : Mr.N.Sudalaimuthu

For Respondents 1 to 5 : Mr.M.Murugan,
Government Advocate.

For Respondent No.6 : Mr.P.Gunasekaran



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to count half of the service of the petitioner before his absorption on 02.07.2004 along with the regular service from 02.07.2004 to 31.01.2014 in the qualifying service and send the revised pension proposal to the sixth respondent and to direct the sixth respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate, who took notice for the respondents 1 to 5 and the learned counsel, who took notice for the sixth respondent. By consent, the writ petition itself is taken up for final disposal.

3. The background facts leading to the filing of this writ petition are as follows:

The petitioner was appointed as a Supernumery Plot Watcher on 01.11.1981 on daily wages basis and monthly consolidated pay and he was served as a Social Forestry Worker in the Vilathikulam Social Forest Range for the period from 01.02.1983 to 01.07.2004. Thereafter, his service was regularised on 02.07.2004 and posted as a Forest Reserve Watcher till 07.11.2010. On further promotion, he was posted as a Forest Guard. He attained the age of superannuation on 31.01.2014. After retirement, the petitioner was not given any terminal benefits including the sanctioning of pension. Despite of several representations, there is no response. Therefore, this writ petition has been filed.

4. The grievance of the petitioner is that 50% of the service rendered by him prior to regularization is not taken into account for the purpose of pension and other benefits, as per Rule 11(2) of Tamil Nadu Pension Rules.

5. Placing reliance on the orders of this Court in **P.Chinniyan v. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others** reported in (2014) 6 MLJ 316, W.P(MD)No.19159 of 2013 dated 23.07.2014 (**M.Kalimuthu v. The Government of Tamil Nadu rep. by its Secretary, Forest and Environment Department, Chennai - 600 009**) and W.P(MD)No.17483 of 2016 dated 03.10.2016 (**S.Subramanian v. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others**), the learned counsel for the petitioner would point out that 50% of the services rendered by the similarly placed persons have been ordered to be counted for the purpose of pension and therefore the petitioner is also entitled to the same benefit.



6.It is not in dispute that the facts in those cases are similar to that of the facts in this case. Under such circumstances, the writ petition is disposed of directing the respondents 1 to 5 to count 50% of service rendered by the petitioner before regularisation along with the service rendered after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the Judgments referred to above and submit the revised pension proposal of the petitioner for the terminal benefits for authorization before the sixth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the sixth respondent is directed to sanction the same within a period of two weeks, thereafter. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Secretary,
Forest and Environment (FR-2) Department,
Government of Tamil Nadu, Secretariat, Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Buildings, Saaidapet, Chennai.
- 3.Conservator of Forest,
Tirunelveli Circle, Tirunelveli.
- 4.The District Forest Officer,
Tirunelveli Division, Tirunelveli.
- 5.The Forest Range Officer,
Tirunelveli, Tirunelveli District.
- 6.The Principal Accountant General Officer,
Accountant General Office, Chennai.

+1cc to Spl.Government Pleader Sr.No. 67031

+1cc to Mr.N.Sudalaimuthu Advocate Sr.No. 66531

JAM/22.11.16/CK/3p-9c

ORDER MADE IN
W.P(MD)No.21334 of 2016
08.11.2016