



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANAWrit Petition (MD) No.2202 of 2016

A.Ramalingam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its
Principal Secretary to Government,
Forest and Environment Department,
Fort St., George,
Chennai.

2.The Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai.

3.The Divisional Forest Officer,
Ramanathapuram Forest Division,
Ramanathapuram.

4.The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher/ Social Forest Worker on daily wages basis from 01.10.1981 to 25.09.2003 along with regular service rendered by the petitioner as Forest Watcher and Forest Guard from 26.09.2003 to till date of his retirement on 31.01.2014 as qualifying service and to send revised proposal to the 4th respondent for the purpose of granting pension to the petitioner with all consequential monitory benefits by considering his representation dated 04.01.2016.

For Petitioner	: Mr.M.Solaisamy
For Respondents 1-3	: Mr.R.Anand Raj, Government Advocate
For 4 th Respondent	: Mr.P.Gunasekaran

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents 1 to 3 to count half of the service rendered by the



petitioner as Plot Watcher from 01.10.1981 to 25.09.2003 along with regular service rendered by him as a Forest Watcher from 26.09.2003 to 31.01.2014 as qualifying service for pensionary benefits and to send revised proposals to the fourth respondent to grant pension.

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2. Heard the learned counsel for the petitioner. Mr.R.Anandaraj, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the fourth respondent.

3. Learned counsel for the fourth respondent fairly submitted that the issue raised by the petitioner is squarely covered by an order passed by this Court in W.P.(MD)No.17666 of 2014, dated 03.11.2014. It is relevant to refer paragraphs 4 to 6 of the said order which reads as follows:

"4. The grievance of the petitioner is that as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978 half of the service paid from contingencies shall be allowed to be counted. When the petitioner was working as Forest Watcher in the Forest Department from 13.06.1983 to 13.12.2008 on daily wage basis without any break in service, it is an admitted case that the petitioner was granted time scale of pay after a period of 25 years and he was appointed and promoted in the time scale of pay on 13.12.2008 and thereafter, he retired from service on 31.05.2014 and therefore, G.O.Ms.No.139 Environment and Forests (FR-2) Department, dated 05.09.2013 has to be applied to the petitioner's case.

5. Learned counsel for the petitioner submitted that in similar and identical circumstances, this Court in W.P.No.21050 of 2012 in the case of S.Annamalai, Vs. Government of Tamil Nadu, rep by its Principal Secretary to Government and others vide order dated 03.08.2012 allowed the writ petition giving direction to the first respondent therein to count 50% of the service of the petitioner therein along with regular service and pass necessary orders and therefore, the abovesaid case is also applicable to the present case.

6. In such view of the matter, the writ petition is disposed of directing the respondents 1 to 3 to count half of the service of the petitioner as Plot Watcher from 13.06.1983 to 13.12.2008 along with regular service rendered by him as Forest Watcher from 13.12.2008 to 31.05.2014 as qualifying service for pensionary benefits and thereafter send revised proposal to the fourth respondent within a period of six weeks from the date of receipt of a copy of this order and on receipt of such proposal, the fourth respondent shall consider the same and pass appropriate orders, within a period of four weeks thereafter".

<https://hcservices.ecourts.gov.in/hcservices/> In view of the above, the writ petition is disposed of directing the respondents 1 to 3 to count half of the service of the petitioner as Plot Watcher from 01.10.1981 to 25.09.2003 along with



regular service rendered by him as Forest Watcher from 26.09.2003 to 31.01.2014 as qualifying service for pensionary benefits and thereafter send revised proposal to the fourth respondent within a period of six weeks from the date of receipt of a copy of this order and on receipt of such proposal, the fourth respondent shall consider the same and pass appropriate orders, within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar(R)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St., George,
Chennai.

2.The Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai.

3.The Divisional Forest Officer,
Ramanathapuram Forest Division,
Ramanathapuram.

4. The Principal Accountant General,
Office of the Accountant General,
Teynampet, Chennai.

+1cc to Mr.M.Solaisamy, Advocate Sr.No.6629

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.7154

+1cc to The Special Government Pleader Sr.No.6612

akm/16.02.2016/3p-7c/NGM/SS/SAR-I

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