



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.22372 of 2016

K.Subbaiah : Petitioner
Vs.

1.The Government of Tamil Nadu rep. by
Secretary of Government,
Finance (Pension) Department,
Fort St. George, Chennai - 9.

2.Principal Chief Conservator of Forests,
Panagal Building,
Chennai - 15.

3.The District Forest Officer,
Theni District, Theni.

4.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynempet, Chennai - 18. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to count the half of the service rendered by the petitioner as a social forest watcher from 01.09.1989 to 26.07.2004 along with the regular service as plot Watcher from 27.07.2004 to 31.08.2009 as the qualifying service and sent the revised pension proposal to the fourth respondent and to further direct the fourth respondent to sanction the eligible pension and all other terminal benefits to the petitioner within a time frame as fixed by this Court.

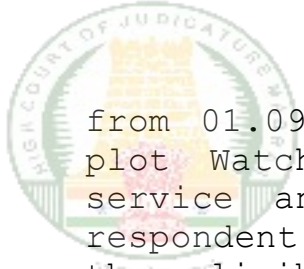
For Petitioner : Mr.S.Alagusundar

For Respondents 1 to 3: Mr.T.S.MohammedMohideen,
Government Advocate.

For Respondent No.4 : Mr.P.Gunasekaran

O R D E R

This Writ of Mandamus has been filed to count 50% of the services rendered by the petitioner as a social forest watcher



from 01.09.1989 to 26.07.2004 along with the regular service as plot Watcher from 27.07.2004 to 31.08.2009 as the qualifying service and send the revised pension proposal to the fourth respondent and to further direct the fourth 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 Additional Government Pleader, who took notice for the respondents 1 to 3 and the learned counsel, who took notice for the fourth respondent. By consent, the writ petition itself is taken up for final disposal.

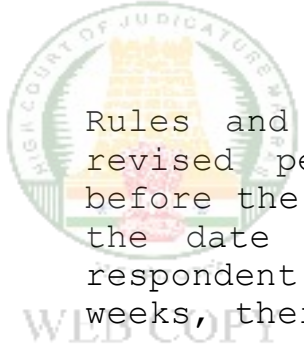
3. The background facts leading to the filing of this writ petition are as follows:

The petitioner was appointed as a Social Forestry Worker on 01.09.1989 on daily wages basis and monthly consolidated pay. Thereafter, his service was regularized and he was appointed as a Forest Guard and his service was also regularized by the order of the third respondent, dated 27.07.2004. He attained the age of superannuation on 31.08.2009. After retirement, the petitioner was not given any terminal benefits including the pension. Despite representation, there was 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 contemplated under 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 3 to add 50% of service rendered by the petitioner prior to regularization, 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 authorization before the fourth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the fourth respondent is directed to sanction the same within a period of two weeks, thereafter. No costs.

Sd/-
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar

smn

To

1.The Secretary of Government,
Finance (Pension) Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2.The Principal Chief Conservator of Forests,
Panagal Building,
Chennai - 15.

3.The District Forest Officer,
Theni District, Theni.

4.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynempet, Chennai - 18.

+1cc to M/S.S.Alagusunder, Advocate in SR.72107

+1cc to M/S.P.Gunasekran, Advocate in SR 72327

+1cc the special government pleader, madurai Bench of madras High court, madurai.

GJM/GSVPM/4-1-2017/3p/8c

ORDER MADE IN
W.P (MD) No.22372 of 2016
23.11.2016