



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22658 of 2016

P.Paulraj

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Forest and Environment Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
No.1, Jennis Road,
Panagal Buildings,
Saidapet, Chennai - 600 015.
3. The Divisional Forest Officer,
Social Forest Division,
Madurai (a) Arasanur.
4. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai - 600 018.

.. 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 half of the service rendered by the petitioner as a Social Forestry Worker from 01.12.1982 to 07.08.2009 along with regular service rendered by him as a Forest Watcher from 07.08.2009 to 01.05.2011 as qualifying service for pensionary benefits and send the revised proposal to the 4th respondent and to grant pension with all consequential monetary within in the stipulated period which this Court.



WEB COPY

For Petitioner : Mr.G.Marimuthu
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as a Social Forestry Worker from 01.12.1982 to 07.08.2009 along with regular service rendered by him as a Forest Watcher from 07.08.2009 to 01.05.2011 as qualifying service for pensionary benefits and send the revised proposal to the fourth respondent and to grant pension.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The petitioner was appointed as a Social Forestry Worker in the Forest Department on 01.12.1982, on daily wage basis and he was appointed in the time scale of pay on 07.08.2009 and retired from service on 01.05.2011, on reaching the age of superannuation. If the Forest Department count half of the service rendered by the petitioner as a Social Forestry worker, he is eligible to receive retirement benefits. Seeking such a relief, the petitioner has submitted a representation to the respondents on 29.09.2016. As there is no response, 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 and that it ought to have been taken into account, which would be in tune with 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 this 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 count 50% of service rendered by the petitioner as a Social Forestry Worker from 01.12.1982 to 07.08.2009 along with regular service rendered by him as a Forest Watcher from 07.08.2009 to 01.05.2011 as qualifying service for pensionary benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the Judgments referred to above and to 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 (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St.George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
No.1, Jennis Road,
Panagal Buildings,
Saidapet, Chennai - 600 015.



3. The Divisional Forest Officer,
Social Forest Division,
Virudhunagar,
Virudhunagar District.

4. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai - 600 018.

+ 1 CC TO Mr.G.MARIMUTHU, ADVOCATE IN SR No. 73011

MJ

TE/PM-PN : 17/02/2017 : 3P/6C

W.P (MD) No.22658 of 2016
25.11.2016