



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM

THE HON'BLE Dr. JUSTICE S.VIMALAW.P (MD) No.22833 of 2016

K.Sakthivel

... Petitioner

-vs-

- 1.The Government of Tamil Nadu,
rep.by its
Principal Secretary to Government,
Forest & Environment Department,
Fort St.George, Chennai.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai.
- 3.The Conservator of Forest,
Megamalai Forest Division, Theni.
- 4.The District Forest Officer,
Madurai Division.Madurai.
- 5.Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to fix and disburse pension to the by counting half of the service rendered by the petitioner from 01.08.1985 to 01.08.2013 as plot watcher on a daily wage basis along with regular service rendered from 02.08.2013 till 31.07.2016 with all consequential benefits.

For petitioner	... Mr.S.Anand Chandrasekar
For RR - 1 to 4	... Mr.V.R.Shanmuganathan Special Government Pleader
For R - 5	... Mr.P.Gunasekaran

O R D E R

This Writ of Mandamus has been filed, seeking a direction to the respondents to fix and disburse pension to the petitioner by counting half of the service rendered by him from 01.08.1985 to 01.08.2013 as plot watcher on a daily wage basis along with regular service rendered from 02.08.2013 till 31.07.2016 with all consequential benefits.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Standing Counsel for the fifth respondent. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3. The petitioner was appointed as a Plot Watcher on temporary basis on 01.08.1985. His service was regularised on 07.08.2009 (by proceedings dated 31.08.2009) and he retired from service as Forest Watcher on 31.07.2016. After retirement, the petitioner was not given any terminal benefits including the sanctioning of pension. Despite the representation dated 12.08.2016 submitted by the petitioner, there is no response from the respondents. 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 getting pension and other benefits, as per G.O.Ms (Environment and Forest Department) No.332 dated 19.11.2008 and also as per Rule 11(2) of Tamil Nadu Pension Rules. On the basis of the said Government Order, a Forest Guard by name B.Murugan was granted pension by including 50% of service rendered by him on a daily wage basis along with regular service.

5. Placing reliance on the orders of this Court in P.Chinniyar 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 4 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 in the light of the said Government Order and the

<https://hcserVICES.mca.gov.in/hcserVICES/> Services rendered to above and submit the revised pension proposal of the petitioner for the terminal benefits for authorization before the fifth respondent, within a period of



twelve weeks from the date of receipt of a copy of this order and the fifth respondent is directed to sanction the same within a period of two weeks, thereafter. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Forest & Environment Department,
Fort St.George, Chennai.
- 2.The Principal Chief Conservator of Forest,
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- 3.The Conservator of Forest,
Megamalai Forest Division, Theni.
- 4.The District Forest Officer,
Madurai Division.Madurai.
- 5.Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet, Chennai.

+1cc to Mr.P.Gunasekaran,Advocate,sr no 74347

mj

ms/rsk/3.1.2017/3p.7c

W.P (MD) No.22833 of 2016

30.11.2016