



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.23323 of 2016

B.Vasanth

: 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,
Saaaidapet, Chennai.

3.The Forest Range Officer,
Velimalai forest Range,
Kanyakumari District.

4.The Divisional Forest Officer,
Kanyakumari Forestry Division,
Nagercoil, Kanyakumari District.

5.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 1 to 4 to count the half of service rendered by the petitioner's husband as temporary plot watcher from 01.12.1982 to 20.05.2008 along with the regular service rendered by him as Social Forestry Worker/Plot Watcher from 21.05.2008 till his death on 10.11.2013 as qualifying service for the purpose of conferment of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also to direct the 4th respondent to send family pension proposal to the 5th respondent and to further direct the 5th respondent to sanction the eligible family pension and all other terminal benefits within the time as stipulated by this Court.

For Petitioner

: Mr.N.Sudalaimuthu

For Respondents 1 to 4

: Mr.V.R.Shanmuganathan

Special Government Pleader

For Respondent No.5

: Mr.P.Gunasekaran

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to count half of the service of the petitioner's husband as temporary plot watcher from 01.12.1982 to 20.05.2008 along with the regular service rendered by him as permanent Gardener from 21.05.2008 till his death on 10.11.2013 as qualifying service for the purpose of conferment of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also to direct the fourth respondent to send family pension proposal to the fifth respondent and further direct the fifth respondent to sanction eligible family pension and all other terminal benefits.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader who took notice for the respondents 1 to 4 and the learned counsel, who took notice for the fifth 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's husband was appointed as a Supernumery Plot Watcher on 01.12.1982 on daily wage basis in the office of the third respondent. Thereafter, G.O.Ms.No.95, dated 07.08.2009 came to be passed. On completion of ten years of service, the service of the petitioner's husband was regularized from the date of 07.08.2009. Thereafter, he passed away on 10.11.2013, while in service. After death of the petitioner's husband, the petitioner was not given retirement cum terminal benefits including sanctioning of family pension also. Hence, the petitioner has given several representations to the respondents. But the same have not been considered. Therefore, this writ petition has been filed.

4. The grievance of the petitioner is that 50% of the service rendered by her husband prior to regularization is not taken into account for the purpose of pension and other benefits.

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 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 (by the respondents) 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's husband 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 family pension proposal of the petitioner's husband 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(C.O.)

/True Copy/

Sub Assistant Registrar.

To

1. The Secretary,
State of Tamil Nadu
Forest and Environment (FR-2) Department,
Secretariat, Chennai - 600 009.

2. The Principal Chief Conservator of Forest,
Panagal Buildings, Saaidapet, Chennai.

3. The Forest Range Officer,
Social Forest Range, Palayamkottai,
Tirunelveli District.

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

+1CC to M/S.M.Sudalaimuthu, Advocate, SR.No. 78522
+1CC to M/S.P.Gunasekaran, Advocate, SR.No. 79216

W.P (MD) No.23323 of 2016

mj

AM/CM MSA/17.03.2017/3P/7C