



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.7625 of 2016

M.Subramanian

... Petitioner

vs.

- 1)The State of Tamilnadu,
Represented by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai-600009.
- 2)The Principal Chief Conservator of Forest,
Head of Forest Force, Panagal Buildings,
Saaaidapet,
Chennai.
- 3)Filed Director/Chief Conservator of Forest,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Tirunelveli.
- 4)Deputy Director /Wildlife Warden,
Project Tiger,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.
- 5)The Forest Range Officer,
Kadayam Range,
PROJECT TIGER,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.
- 6)The Principal Accountant General Officer,
Accountant General Office,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents from 1 to 5 to count half of the service of the petitioner before his absorption on 21.7.2004 along with the regular service from 21.7.2004 to 30.11.2010 in the qualifying service (Forest Reserve Watcher) and send the revised pension proposal to the 6th respondent and to further direct the 6th



respondent to sanction the eligible pension and all other terminal benefits.

For Petitioner : Mr.N.Sudalaimuthu

For R1 to R5 : Mr.S.Kumar, Additional Government Pleader

For R6 : Mr.P.Gunasekaran

ORDER

Heard both sides. By consent of both parties, the writ petition is taken up for final disposal.

2.The petitioner was initially appointed as Plot Watcher temporarily on daily wage basis from 18.01.1982. His services were regularised on 19.07.2004 and he retired from service on 30.11.2010.

3.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 per Rule 11(2) of Tamil Nadu Pension Rules, He has relied on a decision of the Division Bench of this Court in ***W.A.Nos.27 and 28 of 2012, dated 13.02.2012 - Government of Tamil Nadu rep. by its Secretary to Government V. MK.Gopal***, which was confirmed by the Hon'ble Apex Court in S.L.P.Nos.14838-14839 of 2012 in G.O.Ms.No.183, Environment and Forests(FR-2) Department, dated 18.07.2012. Further, in the case of ***P.Chinniyar Vs. State of Tamil Nadu*** reported in ***2014(7) MLJ 316***, this Court has also passed a detailed order to count 50% of service rendered before regularization. In this regard, the petitioner also made several representations to the respondents.

4.In these circumstances, the writ petition is disposed of directing the first respondents 1 to 5 to count 50% of service rendered by the petitioner before regularisation along with 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 the terminal benefits for authorization before the sixth respondent, within a period of twelve weeks from the date of receipt of a copy of this order and the sixth respondent is directed to authorise the same within a period of two weeks, thereafter. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



nbi
To

1) The Secretary, State of Tamilnadu,
Forest and Environment (FR-2) Department,
Secretariat, Chennai-600009.

WEB COPY

2) The Principal Chief Conservator of Forest,
Head of Forest Force, Panagal Buildings,
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Project Tiger, Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.

5) The Forest Range Officer,
Kadayam Range, PROJECT TIGER,
Kalakkad Mundanthurai Tiger Reserve,
Ambasamudram.

6) The Principal Accountant General Officer,
Accountant General Office, Chennai.

+1CC to Mr.P.Gunasekaran, Advocate Sr.No.58520

GJM/SS3/24.10.16-3p-8C

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