

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4050/2017

S.Selvi

...Petitioner

Vs

- 1.The Secretary to Government
Government of Tamilnadu, Forest
and Environment Department
Fort St George, Chennai 600 009.
 - 2.The Principal Chief Conservator of Forests
Panagal Building, Saidapet, Chennai 600 015.
 - 3.The Divisional Forest Officer
Social Forestry Division, Vellore - 9.
 - 4.The Forest Range Officer
Social Forestry Range, Odugathur
Vellore District.
 - 5.The Accountant General of Tamil Nadu
O/o.The Accountant General
Office at Teynampet, Chennai 600018.
- ...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner's husband as Forest Watcher from 01.07.1980 till 06.08.1009 along with regular service rendered by the petitioner's husband as Forest Watcher from 07.08.2009 till 30.06.2014 as qualifying service for the purpose of conferment of pension and grant family pension to the petitioner with all consequential benefits.

For Petitioner : Mr.V.Vargees Amalraja
For RR 1 to 4 : Mr.N.Inbabathan, GA [Forests]
For R5 : Mr.V.Vijayshankar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate [Forests] accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijayshankar, learned Standing Counsel accepts notice on behalf of the 5th respondent.

2 The petitioner would state that her husband G.Selvam, Son of Govindasamy, was appointed as Social Forest Worker [Casual Labour] at Social Forestry Range, Vellore, on 01.07.1980 [Seniority No.962] and the services of the petitioner's husband came to be regularised on 07.08.2009 and he was given the post of Forest Watcher. The petitioner's husband retired from service on 30.06.2014 and thereafter, he died on 19.07.2014. The grievance expressed by the petitioner that in respect of similarly placed persons 50% of the service rendered by them in temporary capacity has been taken into account for calculating the pensionary service and they have been conferred with such a benefit. The petitioner, in this regard, has submitted a representation dated 31.10.2016 to the District Forest Officer, Vellore and though it was received and acknowledged, so far, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the order dated 19.04.2011 in WP.No.8206/2011 [Ayyavoo Vs. Government of Tamil Nadu, rep.by the Secretary to Government, Environment and Forest Department, Chennai-9 and 3 others] and as such, there cannot be any impediment on the part of the respondents to consider the representation of the petitioner positively and hence, prays for appropriate orders.

4 Heard the submissions of Mr.N.Inbanathan, learned Government Advocate [Forests] appearing for the respondents 1 to 4, who would submit that since the District Forest Officer has not been arrayed as a party, the petitioner may be permitted to submit a fresh representation to the 3rd respondent who on consideration of the proposal, will take necessary steps.

5 This Court heard the submissions of Mr.V.Vijayshankar, learned Standing Counsel appearing for the 5th respondent and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, in the light of the above facts and circumstances and without going into the merits of the claims projected by the petitioner, permits the petitioner to submit a fresh representation to the 3rd respondent along with a copy of this order as well as copy of the earlier representation dated

31.10.2016 within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon the receipt of the same, directed to consider the same, if the papers are otherwise in order and process the proposal and forward the same to the 2nd respondent within a further period of six weeks from the date of receipt of such representation and the 2nd respondent, after considering the same, shall forward to the 1st respondent within a period of four weeks thereafter and the 1st respondent, upon the receipt of the same, is directed to consider the said proposal and pass appropriate orders in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

AP

Sub Assistant Registrar

To

1. The Secretary to Government
Government of Tamilnadu, Forest
and Environment Department
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Social Forestry Range, Odugathur
Vellore District.
5. The Accountant General of Tamil Nadu
O/o.The Accountant General
Office at Teynampet, Chennai 600018.

+1cc to Mr.Vargeer Annal Raja, Advocate, S.R.No.10647
+1cc to the Government Pleader, S.R.No.10750

AD(CO)
RS(06/03/2017)

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