

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 10083 of 2017

P. Dhatchanamurthy

Petitioner

vs.

- 1 The State of Tamil Nadu
represented by its Secretary to Government
Environment and Forest Department
Fort St. George
Chennai 600 009
- 2 The Principal Chief Conservator of Forest
Panagal Building
Saidapet
Chennai 600 015
- 3 The Soil Conservation Officer
Soil Conservation Office
Salem - 7
- 4 The Principal Accountant General of Tamil Nadu
Teynampet
Chennai 600 018

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Forestry Worker from 01.11.1979 to 31.12.2006 on temporary basis along with the regular service from 01.01.2007 till the date of retirement on 30.06.2016, as qualifying service, for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and commuted value of pension to the fourth respondent to authorise the same with all consequential benefits within a time frame.

For petitioner

Ms. K. Jenitha

For respondents
1 to 3

Mr. N. Inbanathan
Government Advocate (Forests)

ORDER

Mr. N. Inbanathan, learned Government Advocate (Forests), accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher from 01.11.1979 to 31.12.2006 on temporary basis, along with the regular service from 01.01.2007, till the date of retirement on 30.06.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, Gratuity and commuted value of pension to the fourth respondent to authorise the same with all consequential benefits within a time frame.

3 The petitioner was appointed as Plot Watcher on 01.11.1979 in the Social Forestry Range, Villupuram, on temporary basis and he was allowed to work till 31.12.2006. But, his services were regularised only from 01.01.2007 and he retired from service on 30.06.2016 on reaching the age of superannuation.

4 In this background, the petitioner's grievance is that the respondents have taken into account only his regular service from 01.01.2007 till the date of retirement, i.e., 30.06.2016 as qualifying service for the purpose of conferment of pensionary benefits and therefore, he has given a representation dated 17.02.2017 requesting the respondents to count half of the service rendered by him as Plot Watcher from 01.11.1979 to 31.12.2006 and if that request is considered favourably, he would be able to get a higher pension to some extent and hence, this writ petition seeking the aforesaid relief.

5 The learned Government Advocate (Forests) submitted that reasonable time may be granted to the respondents to consider and pass orders on the petitioner's representation dated 17.02.2017.

6 Since the petitioner was retired from service and his representation dated 17.02.2017 is still under consideration, this Court directs the third respondent to consider and pass orders on the petitioner's representation dated 17.02.2017 on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary to Government
Environment and Forest Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
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Panagal Building
Saidapet
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+1cc to the Special Government Pleader (Forest) Sr. 24753

+1cc to M/S. K. Jenitha, Advocate Sr. 24532

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VD(CO)
VR(5/5/2017)

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