

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No. 10091 of 2017

V. Madhammal

Petitioner

vs.

- 1 The Secretary to Government
represented by its Secretary
Environment and Forest Department
Fort St. George
Chennai - 9
- 2 The Principal Chief Conservator of Forest
Panagal Building
Saidapet
Chennai 600 015
- 3 The District Forest Officer
Nilgiris South Division
Uthagamandalam
- 4 The Accountant General of Tamil Nadu
Office at DMS Compound
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 half of the service rendered by the petitioner as Plot Watcher, Forest Watcher on daily wage basis from 16.08.1982 to 04.08.2005 along with the regular service rendered by him as Forest Watcher from 13.08.2005 till the date of death on 19.11.2008 as qualifying service and send the revised proposal to the fourth respondent for grant pension to the petitioner with all consequential monetary benefits.

For petitioner
For RR 1 to 3

Mr. T. Dharani
Mr. N. Inbanathan
Government Advocate - Forest

ORDER

Mr. N. Inbanathan, learned Government Advocate (Forest), accepts notice for respondents 1 to 3.

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's husband as Plot Watcher on daily wage basis from 16.08.1982 to 04.08.2005, along with the regular service rendered by him as Forest Watcher from 13.08.2005 till the date of his death on 19.11.2008 as qualifying service and send the revised proposal to the fourth respondent for grant of pension to the petitioner with all consequential monetary benefits.

3 The petitioner's husband Vijayan was appointed as Plot Watcher on 16.07.1982 in the Forest Department on daily wage basis. After a long wait, he was brought into time scale of pay as Forest Watcher on 13.08.2005. However, he breathed his last on 19.11.2008. Even though he was brought into time scale of pay as Forest Watcher on 13.08.2005 and his services were also regularised, he was not able to get pensionary benefits by counting his entire length of service, including the service rendered as a daily wager for the purpose of conferment of pension.

4 While so, numerous persons placed similar to that of the petitioner's husband, addressed representations to the Government stating that in the Forest Department, even though, employees were engaged for a long number of years on daily wage basis, on their retirement, they could not even get minimum pension after their retirement. While those representations were under consideration by the Government, one Murugan, who was working as Plot Watcher in the Forest Department as a daily wager for two decades and retired on 30.09.2005 and whose services were regularised only on 27.03.2005, addressed a representation to the authorities to count half of the service rendered by him as a daily wager for the purpose of getting pension, which was considered and a proposal was also sent to the Government and the Government also issued G.O. (D) No.332, Environment and Forest Department 19.11.2008 ordering that half of the services put in by the said Murugan can be taken into account for the purpose of conferment of pensionary benefits.

5 Following the said Murugan, the petitioner also addressed a representation dated 06.09.2014 to extend the same benefit as was extended to Murugan. But, the said representation still remains unconsidered. Hence, the present writ petition seeking the aforestated relief.

6 Taking into account the case of the petitioner that after her husband's demise, she finds it difficult to make both ends meet and bearing in mind the fact that no prejudice would be caused to anyone if a direction is given to the authorities to consider the petitioner's representation and to extend the

benefit to the petitioner as was extended to persons similarly placed to that of her husband, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 06.09.2014 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. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed.

With the above direction and observation, this writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary
Environment and Forest Department
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Fort St. George, Chennai - 9
- 2 The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai 600 015
- 3 The District Forest Officer
Nilgiris South Division, Uthagamandalam
- 4 The Accountant General of Tamil Nadu
Office at DMS Compound, Chennai 600 018

+1cc to Mr.T. Dharani, Advocate Sr. 24538

+1cc to the Special Government Pleader (Forest)
High Court, Madras Sr. 24754

W.P. No.10091 of 2017

SJ(CO)
VR(4/5/2017)