

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.431 of 2017

K.Perumal

... Petitioner

Vs.

1. Government of Tamil Nadu,
rep by Principal Secretary to Government,
Environment and Forest 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 Accountant General of Tamil Nadu,
Office at Teynampet, Chennai - 600 018. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to count half of service rendered by the petitioner as Plot Watcher on daily wage basis from 01.11.1984 till 06.08.2009 along with regular service rendered by him as Plot Watcher (Supernumerary post) from 07.08.2009 till the date of his retirement on 31.05.2014 as qualifying service and send the revised proposals to the 4th respondent and to grant pension to the petitioner with all consequential monetary benefits.

For Petitioner : Mr.P.Ganapathy
For Respondent : Mr.N.Inbanathan,
Government Advocate (Forest) (R1 to R3)
Mr.V.Vijayashankar (R4)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would state that he was appointed as Plot Watcher in the services of the Forest Department on 01.11.1984

and he would inform that his services were regularly engaged by the respondents 1 to 3 and they drew a state wide seniority list as per the initial date of appointment for the purpose of bringing them under regular post and to confer all consequential benefits and the name of the petitioner was also included in the state wide seniority list in Serial No.3763. The petitioner would further aver that his service came to be regularized on 07.08.2009 in the cadre of supernumerary post as Plot Watcher. On attaining the age of superannuation, he was relieved from service on 31.05.2014. The grievance expressed by the petitioner is that he has not been conferred with the pensionary benefits as per Tamil Nadu Pension Rules, 1978 on the ground that he has not completed pensionable service. The reason being that the respondents treated the service of 29 years and 5 months of the petitioner as daily wages and not as pensionable service and in this regard, the petitioner has also submitted a representation dated 31.05.2014 to the 3rd respondent. Since no response is forthcoming, the petitioner came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and G.O.(3D).No.57, Environment and Forests (FR-2) Department dated 25.06.2014, the period of 29 years and 5 months on daily wage basis has to be taken as pensionable service and therefore, prays for appropriate orders.

4. Heard the submissions of the learned counsel appearing for the petitioner, Mr.N.Inbanathan, learned Government Advocate (Forest), who accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the 4th respondent.

5.Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to act on the representation of the petitioner dated 31.05.2014, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and if it is found that the claim is sustainable, the 3rd respondent may forward the proposal to the 1st respondent, through the 2nd respondent, within a period of six weeks thereafter. Thereafter, upon receipt of the same, the respondents 1 & 2 are directed to consider and dispose of the same and pass orders in accordance with law within a period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4th respondent.

6.The Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS IV)

//True Copy//

Sub-Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest 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 Accountant General of Tamil Nadu,
Office at Teynampet, Chennai - 600 018.
- +1 CC to Mr. P.Ganapathy vide sr 1742
+1 CC to Spl. Govt. Pleader (Forest) vide sr 1690

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W.P.No.431 of 2017

SKV (CO)
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