

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4327 of 2017

S. Muthusamy

..Petitioner

Vs

1. The State of Tamil Nadu,
rep 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 -1 5
 3. The Divisional Forest Officer,
Karur Crash Plantation Division,
Karur
 4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai -18
- ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Forestry Worker from 05.11.1982 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 31.01.2017 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 time frame.

For Petitioner : M/s.K. Jenitha

For R.1 to R.3 : Mr.N. Inbanathan
Govt. Advocate (Forests)

For R.4 : Mr.V. Vijayashankar

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.N.Inbanathan, learned Government Advocate accepts notice on behalf of 1st to 3rd respondents and Mr.V. Vijayashankar, learned Standing Counsel accepts notice on behalf of the 4th respondent.

2. The petitioner was appointed as a Social Forestry Worker on 05.11.1982 and was posted at Social Forestry Range, Kulithalai and he was paid from contingencies. It is further averred that the 1st respondent issued G.O.Ms.No.64 Environment and Forest Department dated 08.03.1999 for preparation of State Wide Seniority List of Social Forestry Workers/ Plot Watchers to regularise their services as and when the vacancy arises. The name of the petitioner was included in Serial No.2230. The petitioner was brought under the regular time scale of pay with effect from 07.08.2009 on the basis of G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009 and the petitioner retired from service on 31.01.2017. The grievance expressed by the petitioner is that the period of service rendered by him as a contingent employees have not been paid. According to him as per Rule 11 (2) of the Tamil Nadu Pension Rules, half of the service paid from contingencies shall be counted as qualifying service for pension along with regular service. Since it has not been done, he submitted a representation dated 30.06.2016 to the 3rd respondents and it is also followed by a reminder dated 10.11.2016. Despite receipt and acknowledgement, no orders have been passed. Hence, came forward to file this writ petition.

3. Heard the submission of the learned counsel for the petitioner and Mr.N.Inbanathan, learned Government Advocate appearing for the 1st to 3rd respondents and Mr.V. Vijayashankar, learned Standing Counsel appearing for the 4th respondent.

4. Though the petitioner prays for a 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 petitioner to submit one more representation to the respondents 1 to 3 along with a copy of this order as well as the copy of the earlier representations within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the 1st to 3rd respondents are directed to consider the said representations on merits and in accordance with law and pass

orders within a further period of ten weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort. St. George,
Chennai - 600 009
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai -1 5
3. The Divisional Forest Officer,
Karur Crash Plantation Division,
Karur
4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai -18

+1cc to M/s.K.Jenitha,Advocate sr.11345

+1cc to Special Government Pleader sr.11419

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rk(co)
ss(6/3/2017)

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