

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE.T.RAJA

W.P.Nos.8493 to 8495 of 2017

A.Subramanian .. Petitioner in W.P.No.8493 of 2017
R.N.Mani .. Petitioner in W.P.No.8494 of 2017
A.Pachiappan ..Petitioner in W.P.No.8495 of 2017
Vs.

1.The Principal Chief Conservation of Forest
having office at Panagal Building
Saidapet, Chennai-600 015. .. 1st respondent in all WPs.

2.The District Forest Officer
Thirupathur, Vellore District. .. 2nd respondent in
W.P.No.8493 of 2017

3.The District Forest Officer
Thiruvallore. .. 2nd respondent in
W.P.No.8494 of 2017

4.The District Forest Officer
Salem, Interface Forest Division. .. 2nd respondent in
W.P.No.8495 of 2017

5.The Accountant General of Tamil Nadu
Office at DMS compound
Teynampet, Chennai-600 018. .. 3rd Respondent in all WPs.

Prayer: Writ Petitions 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 petitioners as Plot Watcher on daily wage basis from 14.05.1978 to 01.06.1992, 01.06.1982 to 30.09.1992 and 24.01.1985 to 23.01.1995 as per Tamil Nadu Pension Rule 11(2) along with the regular service rendered by the petitioners in W.P.Nos.8493 and 8494 of 2017 as Forest Watcher and Forest Guard from 02.06.1992 and 01.10.1992 respectively and the petitioner in W.P.No.8495 of 2017 as Forest Watcher, Forest Guard and Forester from 24.01.1995 to till the date of their retirement namely 30.06.2013, 31.10.2012 and 31.05.2016 respectively, as

qualifying service, send the revised proposal to the third respondent, grant pension to the petitioners with all consequential monetary benefits.

For Petitioner : Mr.S.Mani

For R1 and R2 : Mr.N.Inbanathan
Govt. Advocate (Forests)

COMMON ORDER

Writ Petitions have been filed for issuance of a writ of Mandamus directing the respondents to count half of the service rendered by the petitioners as Plot Watcher on daily wage basis from 14.05.1978 to 01.06.1992, 01.06.1982 to 30.09.1992 and 24.01.1985 to 23.01.1995 as per Tamil Nadu Pension Rule 11(2) along with the regular service rendered by the petitioners in W.P.Nos.8493 and 8494 of 2017 as Forest Watcher and Forest Guard from 02.06.1992 and 01.10.1992 respectively, and the petitioner in W.P.No.8495 of 2017 as Forest Watcher, Forest Guard and Forester from 24.01.1995, to till the date of their retirement namely 30.06.2013, 31.10.2012 and 31.05.2016 respectively, as qualifying service, send the revised proposal to the third respondent, grant pension to the petitioners with all consequential monetary benefits.

2.The petitioner in W.P.No.8493 of 2017 joined as Plot Watcher on daily wage basis in the Forest Department on 14.05.1978. He was brought into regular time scale of pay as Forest Watcher on 02.06.1992 after a period of 15 years of service on daily wage basis. The petitioner was promoted as Forest Guard on 17.06.2003 and he retired from service on 30.06.2013.

3.The petitioner in W.P.No.8494 of 2017 joined as Plot Watcher on daily wage basis in the Forest Department on 01.06.1982. He was brought into regular time scale of pay as Forest Watcher on 01.10.1992 after a period of 10 years of service on daily wage basis. The petitioner was promoted as Forest Guard on 01.04.2003 and he retired from service on 31.10.2012.

4.The petitioner in W.P.No.8495 of 2017 joined as Plot Watcher on daily wage basis in the Forest Department on 24.01.1985. He was brought into regular time scale of pay as Forest Watcher on 24.01.1995 after a period of 10 years of service on daily wage basis. The petitioner was promoted as Forest Guard on 20.07.2004 and Forester on 24.04.2013 and he retired from service on 31.05.2016.

5.Learned counsel for the petitioners would submit that as of now, the petitioners are getting pension taking into account of their regular service, without taking into half of the service rendered by them on daily wage basis, as per pension Rule 11(2) of Tamil Nadu Pension Rules. Therefore, the petitioners had given representations dated 25.04.2015, 25.04.2015 and 14.06.2016 respectively, to the first and second respondents, for consideration. Since the respondents have not considered the same, the petitioners have approached this Court by way of these writ petitions.

6.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents 1 and 2.

7. Taking note of the submissions made by the learned counsel for the petitioners as well as the learned Government Advocate, since the petitioners had retired from service and they are senior citizens, the respondents are directed to consider their representations dated 25.04.2015, 25.04.2015 and 14.06.2016 respectively and pass appropriate orders, on merits and in accordance with law, as per pension Rule 11(2) of Tamil Nadu Pension Rules, within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kj

To

1.The Principal Chief Conservation of Forest
having office at Panagal Building
Saidapet, Chennai-600 015.

2.The District Forest Officer
Thirupathur, Vellore District.

3.The District Forest Officer
Thiruvallore.

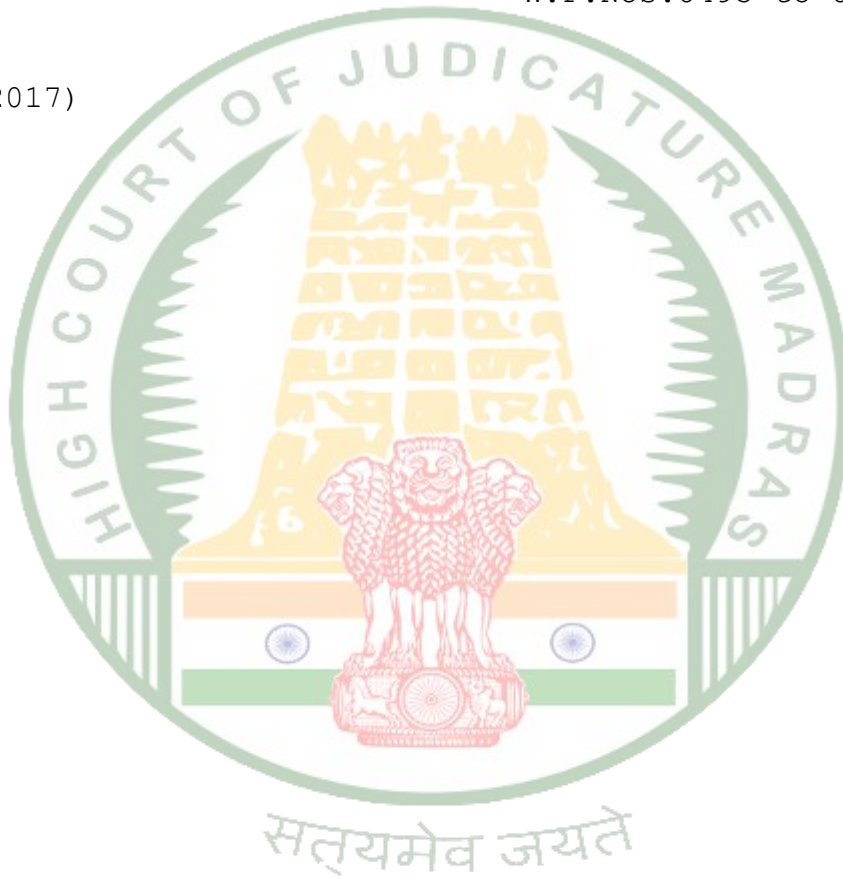
4.The District Forest Officer
Salem, Interface Forest Division.

5.The Accountant General of Tamil Nadu
Office at DMS compound
Teynampet, Chennai-600 018.

+3cc to Mr.Mani, Advocate, S.R.No.21482
+1cc to the Government Pleader, S.R.No.21570

W.P.Nos.8493 to 8495 of 2017

SCD(CO)
RS(21/04/2017)



WEB COPY