

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.8603 & 8604 of 2017

B.Samshathbee ..Petitioner in WP 8603 of 2017  
G.Chandramma ..Petitioner in WP 8604 of 2017

-vs-

1. The 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 District Forest officer  
Hosur Division  
Hosur
4. The Accountant General of Tamil Nadu  
Office at DMS Compound  
Chennai 600 018 ..Respondents in both petitions

W.P.No.8603 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of 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, Forest Watcher on daily wage basis from 01.04.1981 to 27.08.2003 along with the regular service rendered by her husband as Forest Watcher from 05.09.2003 till the date of death on 28.06.2016 as qualifying service and send the revised proposal to the fourth respondent for grant pension to the petitioner with all consequential monetary benefits.

W.P.No.8604 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of 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, Forest Watcher on daily wage basis from 16.01.1985 to 20.10.2008 along with the regular service rendered by her husband as Forest

Watcher from 21.10.2008 till the date of death on 26.04.2016 as qualifying service and send the revised proposal to the fourth respondent for grant pension to the petitioner with all consequential monetary benefits.

For Petitioners  
in Both WPs. :: Ms.T.Dharani  
For Respondents  
in Both WPs. :: Mr.N.Inbanathan  
Government Advocate (Forests)  
for R1 to 3

#### ORDER

The petitioners have come to this Court seeking issuance of a writ of mandamus, directing the respondents 1 to 3 to count half of the service rendered by their late husband(s) as Plot Watcher, Forest Watcher on daily wage basis from 01.04.1981 to 27.08.2003 & 16.01.1985 to 20.10.2008 along with the regular service rendered by them as Forest Watcher from 05.09.2003 & 21.10.2008, till the date of death on 28.06.2016 & 26.04.2016 respectively, as qualifying service and send the revised proposals to the fourth respondent for grant pension to the petitioners with all consequential monetary benefits.

2. Mr.N.Inbanathan, learned Government Advocate (Forests) takes notice on behalf of the respondents 1 to 3.

3. It is the claim of the petitioner in W.P.No.8603 of 2017 that her husband joined as Plot Watcher on daily wage basis in the Forest Department on 1.4.81. He was brought into regular time scale of pay as Forest Watcher on 5.9.2003 after a period of 22 years of service on daily wage basis. Though her husband's services as Forest Watcher were regularised, her husband died on 28.6.2016.

4. It is the claim of the petitioner in W.P.No.8604 of 2017 that her husband joined as Plot Watcher on daily wage basis in the Forest Department on 16.11.85. He was brought into regular time scale of pay as Forest Watcher on 21.10.2008 after a period of 33 years of service on daily wage basis. Though her husband's services as Forest Watcher were regularised, her husband died on 26.4.2016.

5. Learned counsel for the petitioners would submit that as of now, the petitioners are getting pension taking into account of the regular service put in by the deceased, 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 8.11.2016 to the respondents 1 to 3 to consider their grievance. Since the said representations have not considered, they have approached this Court by way of these writ petitions.

6. Taking note of the submissions made by the learned counsel for the petitioners as well as the learned Government Advocate for the respondents 1 to 3, since the petitioners are the legal heir(s) of the deceased employee(s), the respondents 1 to 3 are directed to consider the pending representations on merit and pass appropriate orders 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.

7. With the above direction, the writ petitions are disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government  
Environment and Forest Department  
Fort St. George  
Chennai 600 009
  2. The Principal Chief Conservator of Forest  
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Chennai 600 015
  3. The District Forest officer  
Hosur Division  
Hosur
  4. The Accountant General of Tamil Nadu  
Office at DMS Compound  
Chennai 600 018
- + 2 ccs to Mrs.T. Dharani, Advocate Sr.22017 and 22018  
+ 1 cc to the Special Government Pleader Sr.21933

W.P.Nos.8603 & 8604 of 2017

NMI (CO)  
Eu 24.4.17