

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4921 of 2017

S.Kamalam

.. Petitioner

vs.

1.The State of Tamil Nadu,
Rep by it Secretary to Government,
Environment and Forest Department,
Fort St.George,
Chennai-9.

2.The Principal Chief Conservator of Forest,
Pangal Building,
Saidapet, Chennai-15.

3.The Divisional Forest Officer,
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 directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as Social Forestry Worker from 01.03.1983 to 06.08.2009 along with the regular service from 07.08.2009 till the retirement on 31.10.2013 as qualifying service for the purpose of conferment of pension and to direct the respondents to send family pension proposal to the fourth respondent.

For Petitioner : M/s.K.Jenitha

For Respondents : Mr.N.Inbanathan,
Government Advocate (Forest) for R1 to R3

Mr.V.Vijayashankar for R4

O R D E R

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

2. The petitioner would state that her husband was appointed as Social Forestry Worker on 01.03.1983 through Employment Exchange in Social Forestry Range, Mannaparai. The petitioner would further aver

that the first respondent had 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 and her husband's name was placed in Sl.No.2486. The petitioner would further state that as per G.O.Ms.No.95, Environment and Forest Department dated 07.08.1999, the services of the petitioner's husband was brought under Regular Time Scale of Pay as Supernumerary Plot Watcher and on attaining the age of superannuation, he was permitted to retire from service on 31.10.2013. The husband of the petitioner, after his retirement, submitted a representation to the third respondent for pension and other benefits and it was not considered. The petitioner would further aver that person similarly placed had filed W.P.No.8205 of 2011 seeking to count half of the service rendered by him on daily wages along with regular service for conferment of pension and this Court allowed the said writ petition, vide order dated 19.04.2011 and it was also confirmed by a Division Bench of this Court, vide judgment dated 13.02.2012 made in W.A.No.27 and 28 of 2012 and further challenge made before the Hon'ble Supreme Court of India had also ended in dismissal in SLP(C) Nos.14838 to 14839 of 2012 and 16119 to 16120 of 2012 and subsequent review petitions were also dismissed and the said order was also implemented by the Government by issuing G.O.Ms.No.183, Environment and Forest Department dated 18.07.2012 and therefore prays for appropriate orders.

3. The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the above cited orders and those orders were also taken note of by this Court in the order dated 30.10.2015 made in W.P.No.34939 of 2015 [K.M.Subramani and 7 others v. Government of Tamil Nadu, Rep by its Secretary, Environment and Forest Department, Chennai-9 and others] and prays for appropriate orders.

4. Heard 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 fourth 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 respondents 1 to 3 to consider and dispose of the petitioner's representation dated 20.06.2016, after taking note of the above cited orders and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

jvm

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Environment and Fores Department,
Fort St.George, Chennai-9.
- 2.The Principal Chief Conservator of Forest,
Pangal Building,
Saidapet, Chennai-15.
- 3.The Divisional Forest Officer,
Crash Plantation Division,
Karur.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai-18.

+1 CC to Mr.K.Jenitha Advocate SR.NO.13715

W.P.No.4921 of 2017

RSY[CO]
MK:14/03/2017

सत्यमेव जयते

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