

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3530 of 2017

N.Palanivel

... Petitioner

Vs.

1. Government of Tamil Nadu,
rep by its Secretary to Government,
Forest and Environment 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,
Sathyamangalam Tiger Reserve,
Hassanur Division,
Erode Division.
 4. The Accountant General of Tamil Nadu,
Office of the Accountant General,
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 the service rendered by the petitioner as Forest Watcher from 01.07.1982 till 21.12.2006 along with regular service rendered by the petitioner as Forest Watcher from 22.12.2006 till 31.08.2016 as qualifying service for the purpose of conferment of pension and grant of pension to the petitioner with all consequential benefits.

For Petitioner : Mr.V.Vargees Amal Raja

For Respondents: Mr.N.Inbanathan,
Government Advocate (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 was appointed as Social Forest Worker (Casual Labour) at Social Forestry Range, Vellore on 01.07.1982 and placed in seniority No.2117 and the services of the petitioner was regularized by the 2nd respondent, vide proceedings dated 07.12.2006 and was posted at Sathyamangalam under the control of the 3rd respondent and the petitioner was working as Forest Watcher and retired from service on 31.08.2016 and after retirement, he approached the respondents for retirement benefits and it was not considered on the ground of wrong consideration of the date of joining as 22.12.2006 instead of 01.07.1982. It is the claim of the petitioner that for similarly placed persons, the respondent had conferred the benefits by counting 50% of the services rendered by them as pensionable services and therefore, prays for appropriate relief.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 19.04.2011 made in W.P.No.8206 of 2011, Ayyavoo S/o.Maayan Vs. The Government of Tamil Nadu, rep by its Secretary to Government, Forest and Environment Department, Fort St.George, Chennai - 600 009 and others, wherein In similar facts and circumstances, this Court, after considering various earlier judgments, has passed a positive order and therefore, prays for appropriate orders by considering the petitioner's representation dated 28.10.2016.

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 Standing 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 respondents 1 to 3 to consider and dispose of the petitioner's representation 28.10.2016, on merits and in accordance with law, after taking note of the order dated 19.04.2011 made in W.P.No.8206 of 2011 and pass orders 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.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government of Tamil Nadu,
Forest and Environment 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,
Sathyamangalam Tiger Reserve,
Hassanur Division,
Erode Division.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet,
Chennai - 600 018.

+lcc to V.Vargees Amal Raja, Advocate sr.9147

+lcc to Special Government Pleader sr.9294

nr(co)
ss(1/3/2017)

W.P.No.3530 of 2017



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