

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3730 of 2017

P. Balakrishnan ...Petitioner

Vs

1. State of Tamil Nadu rep by Secretary,
Forest Department,
Fort St. George, Chennai
 2. The Principal Chief Conservative of Forests,
Panagal Building,
Saidapet, Chennai
 4. The Divisional Forest Officer,
Social Forest Division,
Trichirapalli
- ... 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 to count half of the temporary service from 01.02.1985 to 05.07.2012 along with permanent service from 6.7.2012 to 30.04.2015 as qualifying service for the purpose of pension and other retirement benefits and pay all pensionary benefits and pension and arrears of pension to the petitioner.

For Petitioner : Mr.K. Vasudevan

For Respondents: Mr.N. Inbanathan
Govt. Advocate (Forest)

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 the respondents.

2. The petitioner was appointed as temporary Plot Watcher in the service of the respondent Department on 01.02.1985 and his service was regularised and was made permanent from

06.07.2012. According to him, he had rendered more than 27 years of service without adverse remarks. The petitioner retired from service on 30.04.2015. The petitioner submitted his representation on 15.01.2015 even prior to the date of his retirement on 30.04.2015 praying for counting 50% of temporary service rendered by him along with his permanent service for the purpose of pension and after retirement also, he submitted similar kind of representation dated 02.06.2016 to respondents 1 and 2. Since no orders have been passed, he came forward to file this writ petition.

3. Mr.K.Vasudevan, learned counsel for the petitioner would submit that that 50% temporary service rendered by the petitioner between 01.02.1985 to 05.07.2012 should be counted along with the permanent service from 06.07.2012 to 30.04.2015 for the purpose of pension. Learned counsel would further submit that the matter in issue is also covered by the order of this Court dated 03.09.2014 made in W.P.No.276 of 2014 (D.Manickam vs. State of Tamil Nadu rep. by Secretary, Forest Department, Chennai and 2 others) and the said judgement also refers to the earlier orders passed in W.P.Nos.2185 of 2012 etc. batch dated 13.06.2012 and Writ Appeal Nos.27 ad 28 of 2012 as well as the order dated 11.11.2013 made in W.P.No.11857 of 2010 and prays for appropriate orders.

4. This Court, heard the submissions of Mr.N.Inbanathan, learned Government Advocate (Forest) appearing for the respondents.

5. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 1st and 2nd respondents to consider and dispose of the petitioner's representation dated 02.06.2016 on merits and in accordance with law after taking note of the above cited order made in W.P.No.276/2014 dated 03.09.2014 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Forest Department,
Fort St. George, Chennai

2. The Principal Chief Conservative of Forests,
Panagal Building,
Saidapet, Chennai

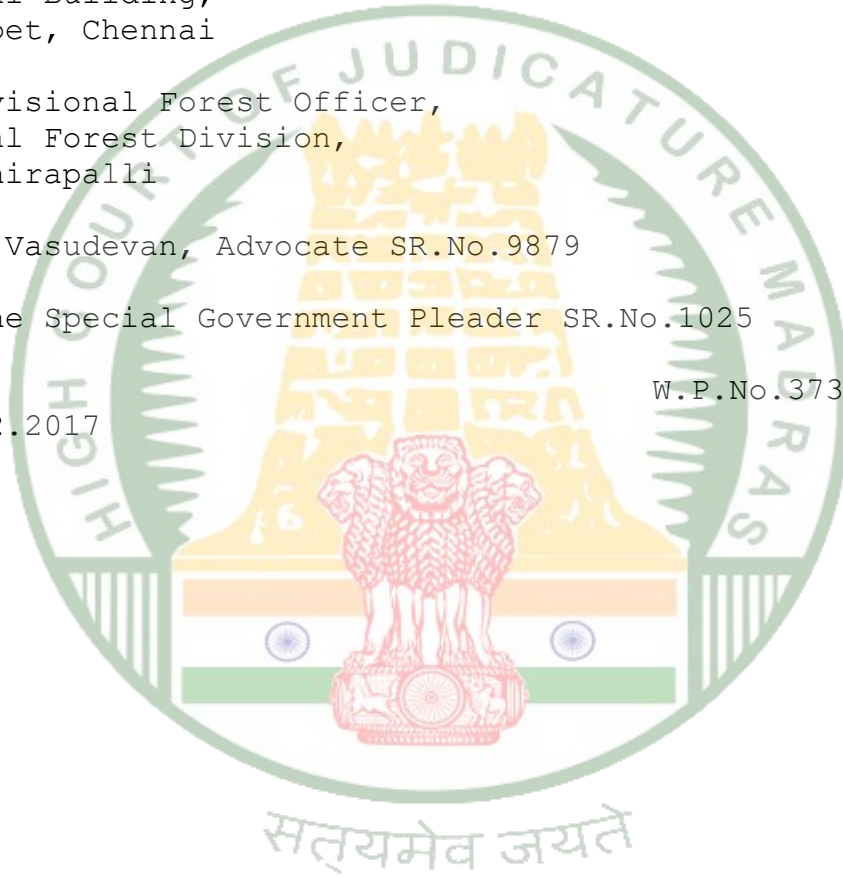
4. The Divisional Forest Officer,
Social Forest Division,
Trichirapalli

+1cc to K.Vasudevan, Advocate SR.No.9879

+1cc to The Special Government Pleader SR.No.1025

W.P.No.3730 of 2017

SDR 28.02.2017



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