

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33135 of 2013

And

M.P.No.1 of 2013

Mrs.Rajeshwari .. Petitioner

-vs-

- 1.The State of Tamil Nadu
Represented by its Principal Secretary,
Environment and Forests Department,
Fort St. George,
Chennai-9.
- 2.The Principal Chief Conservation of Forests,
Panagal Buildings,
Saidapet,
Chennai-15.
- 3.The District Forest Officer,
Salem Division,
Salem. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent impugned order made in G.O.(3D) No.32, Environment and Forest Department, dated 3.5.2012, and the third respondent's proceedings made in Pa.Aa.No.191/2012/E1 dated 12.7.2012, to quash the same in so far as the same denies treating the period between 13.9.2004 and 25.6.2010 as duty for all purposes as per Fundamental Rule 54B(9) and to consequently direct the respondents to revise and re-fix the terminal benefits, including pension and family pension thereto and to disburse the same forthwith.

For Petitioner - Mr.L.Chandrakumar

For Respondent-1 - Mr.R.Vijayakumar,
Additional Government Pleader.

For Respondents-2&3 - Mr.M.Santhana Raman,
Additional Government Pleader (Forests)

ORDER

The relief sought for in this writ petition is to call for the records in relation to the order issued by the first respondent in proceedings dated 3.5.2012 and the consequential proceedings of the third respondent on 12.7.2012 and quash these orders and further to direct the respondents to treat the period between 13.9.2004 and 25.6.2010 as duty for all purposes as per Fundamental Rule 54-B(9) and to revise and re-fix the terminal benefits, including pension and family pension and disburse the same forthwith.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner is the wife of late Mr.K.Selvaraj, who passed away on 25.6.2010, while working in the Office of the third respondent. However, a criminal case was registered against the husband of the writ petitioner and on account of his sudden demise, the criminal case registered against him was abated and thereafter, the proposals were submitted to settle his terminal benefits. However, the respondents have not calculated the period as duty for the purpose of grant of terminal and pensionary benefits to the writ petitioner.

3. The learned counsel for the writ petitioner states that, after filing of the writ petition, the Government issued G.O.(3D) No.62, Environment and Forest Department, dated 7.7.2014 and accordingly, the case of the writ petitioner was considered as a special case and the period between 13.9.2004 and 25.6.2010 was treated as duty along with the monetary benefits. Though the Government has passed an order, the respondents 2 and 3 have not taken any steps to implement the Government Order, by submitting necessary proposal for the disbursement of the revised terminal and pensionary benefits.

4. Thus, this Court is inclined to consider the case of the writ petitioner in this regard. Accordingly, the writ petitioner is permitted to submit a fresh representation to the second respondent, by enclosing the copy of the Government Order G.O.(3D) No.62, Environment and Forest Department, dated 7.7.2014, within a period of two weeks from the date of receipt

of a copy of this order along with all other necessary documents and on receipt of the same, the second respondent is directed to consider the claim of the writ petitioner, in the light of the Government Order passed in G.O.(3D) No.62, Environment and Forest Department, dated 7.7.2014 and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Environment and Forests Department,
Fort St. George,
Chennai-9.
- 2.The Principal Chief Conservation of Forests,
Panagal Buildings,
Saidapet,
Chennai-15.
- 3.The District Forest Officer,
Salem Division,
Salem.

+1cc to Mr.G.CHANDRAKUMAR, Advocate, S.R.No. 78481

WP 33135 of 2013

MSM(CO)
TR(22/11/2017)