



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.565 of 2017
and
C.M.P (MD) .No.4702 of 2017

1.The State of Tamil Nadu
Represented by its,
Secretary to Government,
Forest & Environment Department,
Fort St. George,
Chennai-9.

2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai-15.

3.The District Forest Officer,
Kodaikannal Division,
Kodaikannal.

: Appellants/Respondents

Vs.

1.P.Manivel

:1st Respondent/Petitioner

2.Principal Accountant General of Tamil Nadu
Office of Accountant General,
Teynampet, Chennai.

:2nd Respondent/4th Respondent

PRAYER: Writ Appeal is filed under Section 15 of the letters patent against the order dated 28.03.2017 made in W.P.(MD).No.5331 of 2017, on the file of this Court.
Prayer in WP(MD). 5331/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the 1 and 3 respondents to count the half of service rendered by the petitioner as Social Forestry Worker from 13.01.1983 to 20.05.2008 on temporary basis along with the regular service from 21.05.2008 till the date of retirement on 29.02.2016 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all consequential benefits within time frame.



For Appellant : Mr.V.R.Shanmuganathan
Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellant.

2. This Writ Appeal is directed against the order passed in W.P.(MD).No.5331 of 2017 dated 28.03.2017.

3. The said Writ Petition was filed by the first respondent herein seeking a direction to the appellants herein to count the half of service rendered by him as Social Forestry Worker from 13.01.1983 to 20.05.2008, on temporary basis along with the regular service from 21.05.2008, till the date of retirement, viz., on 29.02.2016 as qualifying service for the purpose of conferment of pension.

4. Though such a relief was sought for, a concession was made by the first respondent before the Writ Court stating that he would be satisfied, if a direction is issued to the appellants to consider the representation dated 07.03.2016. Accordingly, without expressing any opinion on the merits of the case, the Writ Court directed the appellants to consider the representation dated 07.03.2016 and pass appropriate orders, on merits and in accordance with law, taking note of the Government Order issued in G.O.Ms.No.139 Environment and Forests (FR-2) Department, dated 05.09.2013, within a time frame.

5. The learned Special Government Pleader appearing for the appellant would submit that the Government Order, referred to by the Writ Court, was an order applicable only to one person and it is not for all the cases. In any event, the Writ Court has not issued a positive direction, but, has only directed the appellants to consider the representation of the first respondent and pass appropriate orders on merits and in accordance with law. Thus, we find that no grounds have been made out to interfere with the order passed by the Writ Court. Therefore, the Writ Appeal is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(Co)

/True copy/



To

1.The Secretary to Government,
Forest & Environment Department,
Fort St. George, Chennai-9.

2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet, Chennai-15.

3.The District Forest Officer,
Kodaikannal Division,
Kodaikannal.

4.Principal Accountant General of Tamil Nadu
Office of Accountant General,
Teynampet, Chennai.

+1 cc to Special Government Pleader in SR.No. 59248

NB

AE/MR/SAR3/14.06.2017/3P/6C

JUDGMENT MADE IN
W.A. [MD] .No.565 of 2017
in
C.M.P (MD) .No.4702 of 2017
06.06.2017