



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.12994 of 2017

S.Karuppaiah

... Petitioner

-vs-

1. The Principal Chief Conservator of Forest,
Saidapet, Chennai.

2. The Principal Secretary,
Forest & Environmental Department,
Chennai-9.

3. The Chief Accountant General,
No.361, Anna Salai,
Teynampet, Chennai.

4. The Conservator of Forest,
Trichy Circle, J.K.Nagar,
Trichy-23.

5. The District Forest Officer,
Behind District Court,
Trichy & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix and disburse the pension to the petitioner by counting half of the service rendered by the petitioner from 13.09.1982 to 03.01.2007 on daily wages basis along with regular service rendered by the petitioner from 06.01.2007 to 31.01.2014 with all consequential benefits from the date of retirement by considering the petitioner's representation dated 26.04.2017.

For Petitioner : Mr.K.Baalasundharam

For R1, R2, R4 & R5 : Mr.K.Guru
Addl. Govt. Pleader

For R3 : Mr.P.Gunasekaran

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to fix and disburse the pension to the petitioner by counting half of the service rendered by the petitioner from 13.09.1982 to 03.01.2007 on daily wages basis along with regular service rendered by the petitioner from 06.01.2007 to 31.01.2014 with all consequential benefits from the date of retirement by considering the petitioner's representation dated 26.04.2017.

2. Heard the learned counsel appearing for the petitioner. The learned Additional Government Pleader takes notice for the respondents 1, 2, 4 & 5 and the learned Standing Counsel for R3. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The facts leading to the filing of the Writ petition are as follows:-

i) The petitioner was appointed to the post of Social Forestry Worker and on daily wage basis. Later on, there was a Government Order directing that on completion of 10 years of service, services would be regularised from the date of the Government Order i.e., from 07.08.2009. Accordingly, service of the petitioner was regularised with effect from 2007 and promoted as Forest Watcher in the time scale of pay vide proceedings dated 06.01.2007. The petitioner has attained superannuation on 31.01.2014. Thereafter, he made a representation dated 26.04.2017, claiming that his services should be counted for the purpose of getting pension to the extent of 50% at least and his request has not been considered. Therefore, the present Writ Petition has been filed.

4. The issue involved in this Writ Petition is covered by the decisions of this Court in W.P.(MD) No.23421 of 2015 dated 22.12.2015 and W.P.(MD) No.19028 of 2016 dated 04.10.2016, wherein this Court has directed the respondents to consider the request of the petitioner therein in the light of the prayer made in the earlier order of this Court.

5. It is not in dispute that the petitioner is also a person similarly placed and he is also entitled to the benefit as prayed for.

6. Under such circumstances, the second respondent is directed to count half of the service of the petitioner (50%) rendered between 13.09.1982 to 03.01.2007 along with the regular service from 06.01.2007, for the purpose of pension and thereafter, to settle the retirement benefits within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of.
No costs.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Chief Conservator of Forest,
Saidapet, Chennai.
2. The Principal Secretary,
Forest & Environmental Department,
Chennai-9.
3. The Chief Accountant General,
No.361, Anna Salai,
Teynampet, Chennai.
4. The Conservator of Forest,
Trichy Circle, J.K.Nagar,
Trichy-23.
5. The District Forest Officer,
Behind District Court,
Trichy & District.

+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 65703
+ 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 65373
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65879

AR/RM

TE/JC/SAR-I : 25/07/2017 : 3P/9C

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