



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15346 of 2017

A.Malaiyappan

... Petitioner

-vs-

1.The Principal Chief Conservator of Forest,
Saidepet,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,
Matchuvadi, Near Model School,
Pudukottai & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of 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 01.11.1979 to 07.08.2009 on daily wages basis along with regular service rendered by the petitioner from 07.08.2009 to 28.02.2015 with all consequential benefits from the date of retirement by considering the petitioner's representation dated 25.02.2017.

For Petitioner

:Mr.K.Balasundharam

For Respondents 1, 2, 4, 5

:Mr.R.Karthikeyan
Additional Government Pleader

For Respondent no.3

: Mr.P.Gunasekaran

O R D E R

<https://hcservices.ecourts.gov.in/hcservices>
By consent of both sides, this writ petition itself is taken up for final disposal.



Heard the learned counsel for the petitioner and Mr.R.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents 1, 2, 4 and 5 and Mr.P.Gunasekaran, learned Standing counsel, takes notice for the third respondent.

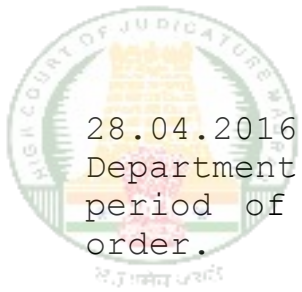
2.The petitioner was appointed as Village Social Forestry Worker by the fifth respondent/District Forest Officer, Matchuvadi, Pudukottai District on daily wage basis at Pudukottai District on 01.11.1979, since then he was working from 01.11.1979 to 07.08.2009, namely, for about 30 long years. It is further claimed that his service was regularized as Plot Watcher as per G.O.No.95 Environmental and Forest Department dated 07.08.2009 and thereupon he was posted at Pudukottai Forest Range Office on regular time scale by proceedings in Se.Mu.No.336/2009 dated 31.08.2009 issued by the fifth respondent / District Forest Officer, Matchuvadi, Pudukottai District.

3.After rendering continuous service, he reached the age of superannuation on 28.02.2015, but he was not paid with pensionary benefits. Therefore, he has approached the fifth respondent/District Forest Officer, Matchuvadi, Pudukottai District, on several occasions. But the fifth respondent informed the petitioner that his proposal for pensionary benefits has been sent to the higher officials for approval. Finding no response, the petitioner sent a representation through registered post with acknowledgement due. In the said representation, the petitioner requested the respondents to sanction his pensionary benefits taking into account of 50% of his daily wages basis period with his regular services.

4. In similar circumstances, the respondents have also released pensionary benefits to the similarly placed persons. Recently, the second respondent issued G.O.No.3(D) No.17 dated 26.04.2017, ordering that the half of the service of 48 persons shall be accounted along with their regular services for calculating their pensionary benefits. Moreover, in another W.P. (MD)No.6527 of 2015, this Court vide order dated 23.04.2015 directed the respondents therein to consider the case of one C.Muthupandian, who is similarly placed, as that of the petitioner herein. Therefore, the petitioner is before this Court with the aforesaid prayer.

4. The learned counsels appearing for the respondents sought sufficient time to consider the petitioner's representation.

5.In view of the above, the fourth respondent is directed to send proper proposal to the second respondent within a period of one week from the date of receipt of a copy of this order. On <https://hcservices.punjab.gov.in/hcservices/> such proposal, the second respondent is hereby directed to consider the case of the petitioner in the light of G.O.(3D)No.20 Environment and Forest (FR-2) Department dated



28.04.2016 and G.O.(3D) No.17 Environment and Forests (FR-(II)) Department dated 26.04.2017 and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.ThePrincipal Chief Conservator of Forest,
Saidepet, 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,
Matchuvadi, Near Model School,
Pudukottai & District.

+1CC to Mr.K.Balasundharam, Advocate, SR.No.72696

+1CC to Mr.P.Gunasekaran, Advocate, SR.No.72718

+1CC to the Special Government Pleader SR.No.72923

W.P (MD) No.15346 of 2017
16.08.2017

Mrn/RR

AM/SV MMS/SAR 1/25.09.2017/3P/9C