

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.08.2017****CORAM****THE HONOURABLE MR.JUSTICE T.RAJA****W.P (MD) No.15419 of 2017**

P.Selvaraj

... Petitioner

-VS-

1. The Government of Tamil Nadu,  
Rep. by its Secretary to Government,  
Finance [Pension] Department,  
St. George Fort,  
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Chennai - 15.
3. The Wild Life Warden,  
Grizzled Squirrel Wild Life Sanctuary,  
Srivilliputhur,  
Virudhunagar District.
4. The Principal Accountant General,  
O/o.The Principal Accountant General of Tamil Nadu,  
Teynampet,  
Chennai - 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to count the half of the service rendered by the petitioner as a Social Forest Watcher from 31.03.1986 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 28.02.2017 as the qualifying service and sent the revised pension proposal to the fourth respondent and to further direct the fourth respondent to sanction the eligible pension and all other terminal benefits to the petitioner, within a time frame to be fixed by this Court.

For Petitioner

: Mr.K.Mahendran

For R1 to R3

: Mr.R.Karthikeyan  
Additional Government Pleader

: Mr.P.Gunasekaran

**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner was appointed as Social Forestry Worker on daily wage basis on 31.03.1986. His services were regularized as Forest Watcher under the third respondent on 07.08.2009. After rendering 31 years of continuous service, he retired from service on reaching the age of superannuation on 28.02.2017, but he was not paid with pensionary benefits, therefore, he made several representations to the respondents to treat his entire service as pensionable service. But the respondents orally rejected the petitioner's contention stating that his services were regularized as Forest Watcher under the third respondent only on 07.08.2009 and also he was covered only under the Contributory Pension Scheme introduced by the Government, therefore, old pension scheme is not applicable to the petitioner.

3. The learned counsel for the petitioner submitted that in similar circumstances, the respondents have also released pensionary benefits to the similarly placed persons. Recently, the Government have issued G.O.3(D)No.17, Environment and Forests (FR-(II)) Department, dated 26.04.2017, ordering that 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 a similarly placed as that of the petitioner herein, therefore, the petitioner is before this Court with the aforesaid prayer.

4. Heard Mr.R.Karthikeyan, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned Standing Counsel, who takes notice for the fourth respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent sought sufficient time to consider the case of the petitioner.

6. In view of the above, the second respondent is directed to send appropriate proposal to the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such proposal, the first respondent is hereby directed to consider the case of the petitioner in the light of G.O.(3D)No.20, Environment and Forests (FR-2) Department, dated 26.04.2016 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.

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

WEB COPY

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,  
Finance [Pension] Department,  
St. George Fort,  
Chennai - 600 009.
2. The Principal Chief Conservator of Forests,  
Panagal Building, Chennai - 15.
3. The Wild Life Warden,  
Grizzled Squirrel Wild Life Sanctuary,  
Srivilliputhur,  
Virudhunagar District.
4. The Principal Accountant General,  
O/o.The Principal Accountant General of Tamil Nadu,  
Teynampet,  
Chennai - 18.

+1cc to Spl.Government Pleader Sr.No.73496  
+1cc to Mr.K.Mahendran, Advocate Sr.No.73267  
+1cc to Mr.P.Gunasekaran, Advocate Sr.No.72846

SMN2/VSG

VB/SV/MMS/SAR1/22/09/2017/3P/8C

**W.P(MD)No.15419 of 2017**  
**17.08.2017**