



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM:

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.3233 of 2017

V.Thangavelu

.. Petitioner

Vs.

1. The Principal Chief Conservator of Forest,
Saidapet,
Chennai.
2. The Principal Secretary,
Forest and 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,
Trichy Range,
Trichy District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the 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 01.10.1981 to 31.03.1991 on daily wages basis along with regular service rendered by the petitioner from 02.01.2004 to 30.06.2012 with all consequential benefits from the date of retirement by considering the petitioner's representation dated 17.12.2016.



For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.C.Selvaraj
1 and 2 Special Government Pleader
For respondent 3 : Mr.P.Gunasekaran

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ORDER

This Writ Petition is filed 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 him from 01.10.1981 to 31.03.1991 on daily wages basis along with regular service rendered by him from 02.01.2004 to 30.06.2012 with all consequential benefits from the date of retirement by considering his representation dated 17.12.2016.

2.Though disputed question of fact is involved in this Writ Petition, the petitioner has relied upon an order of this Court in W.P.(MD)No.6527 of 2015, dated 22.04.2015 wherein this Court has disposed of a similar writ petition with a direction to consider the case of the petitioner based on the facts narrated by him and the decisions relied upon by the petitioner. Paragraph 5 of the order of this Court dated 23.04.2015 is extracted for convenience:

"5.Since there is disputed question of fact and the learned counsel appearing on behalf of the petitioner contends that the petitioner is entitled to the benefit of the orders passed by this Court and as per the Government Order, his past services should be taken into account, without expressing any opinion on the merits of the issue involved, the respondents 1 to 3 are directed to consider the case of the petitioner, based on the facts as narrated by him and also the decisions referred to supra and in case, the petitioner satisfies the conditions mentioned in the above decisions, the benefit can be extended to the petitioner and such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order."

3.The learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent have no objection for passing similar order in this case. Hence, this writ petition is also disposed of by giving a similar direction to the respondents 1 to 3 to consider the case of the petitioner in the light of the facts narrated by him in the affidavit filed in support of this Writ Petition and the decision relied upon by the petitioner. If the petitioner satisfies the conditions mentioned in the order relied upon by him and the facts of the present case fit into the factual matrix of the case relied upon by the petitioner, the respondents 1 to 3 are directed to extend the benefits by passing appropriate orders within a period of



twelve weeks from the date of receipt of a copy of this order.

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

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Principal Secretary,
Forest and 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,
Trichy Range,
Trichy District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 13155

+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 13578

+ 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 12910

TSG/SRM

TE/SKN : 17/03/2017 : 3P/9C

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