



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

WEB COPY

W.P(MD)No.3753 of 2017

S.Karuppasamy

... Petitioner

vs.

1)The Government of Tamil Nadu,
Rep. by Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 9.

2)The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai-15.

3)The Divisional Forest Officer,
District Forest Office,
Thoothukudi, Thoothukudi District.

4)The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai - 18.

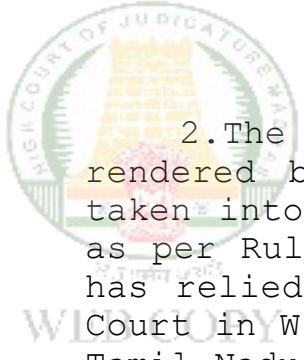
... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count the half of the service rendered by the petitioner as a social forestry worker from 01.09.1985 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 28.02.2011 as a qualifying service and send the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner	: Mr.G.Chandrasekar
For R1 to R3	: Mr.A.K.Baskarapandian Special Government Pleader
For R4	: Mr.P.Gunasekaran

ORDER

Heard both sides. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the 4th respondent. By consent, this Writ Petition is taken up for final disposal.



2.The grievance of the petitioner is that 50% of the services rendered by him on daily wages prior to regularisation is not taken into account for the purpose of pension and other benefits as per Rule 11(2) of the Tamil Nadu Pension Rules. The petitioner has relied on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2012 (Government of Tamil Nadu rep. by its Secretary to Government Vs. M.Gopal), which was confirmed by the Hon'ble Apex Court in SLP Nos.14838-14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. Further, in P.Chinniyan Vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316, this Court has given a direction to count 50% of service rendered before regularisation.

3.Following the abovesaid orders, this writ petition is disposed of directing the respondents 1 to 3 to count 50% of service rendered by the petitioner on daily wages before regularization along with the service rendered by him after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the judgments referred to above and send the revised proposals for the terminal benefits for authorization before the 4th respondent, within a period of eight weeks from the date of receipt of a copy of this order and the 4th respondent is directed to authorize the same within a period of two weeks, thereafter. No costs.

sd/
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar

To

- 1)The Government of Tamil Nadu,
Rep. by Secretary to Government,
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- 2)The Principal Chief Conservator of Forests,
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- 3)The Divisional Forest Officer,
District Forest Office,
Inoothukudi, Inoothukudi District.



4) The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

+1CC TO M/S.G.CHANDRASEKAR, Advocate, SR.NO.12647

+1CC TO SPECIAL GOVERNMENT PLEADER, SR.NO.12591

W.P(MD) No.3753 of 2017
03.03.2017

JM/CM MSA/21.03.2017/3P/7C