



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5332 of 2017

M.Chinnappa

..Petitioner

Vs.

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

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

3.The District Forest Officer,
Pudhukottai District.

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

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Forestry Worker from 16.12.1983 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.04.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all consequential benefits within time frame.

For Petitioner : M/s.K.Jenitha

For R-1 to R-3 : Mr.N.S.Karthikeyan,
Additional Government Pleader

For R-4 : Mr.P.Gunasekaran,
Standing Counsel.

ORDER

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Forestry Worker from 16.12.1983 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.04.2014 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all consequential benefits within time frame.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.

3. Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned Standing Counsel takes notice for the fourth respondent. By consent, the Writ petition itself is taken up for final disposal.

4. Though the Writ petition is for issuing a positive direction, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the respondents 1 to 3 to consider the representation of the petitioner, dated 28.02.2015 within the time stipulated by this Court.

5. Having regard to the limited scope of the prayer now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the matter, this Court is inclined to issue the following direction:-

*"The respondents 1 to 3 are directed to consider the representation of the petitioner, dated 28.02.2015, and pass appropriate orders on merits and in accordance with law, taking note of **G.O.Ms.No.139 Environment and Forests(FR-2) Department, dated 05.09.2013**, within a period of eight weeks from the date of receipt of a copy of this order."*

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
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- 2.The Principal Chief Conservator of Forest,
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- 3.The District Forest Officer,
Pudukottai District.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

+1 cc to Mr.P.Gunasekaran , Advocate in SR.No. 18918
+1 cc to Special Government Pleader in SR.No:18853
+1 cc to Mr.K.Jenitha , Advocate in SR.No. 18262

pmu

AE/SV MMS/SAR3/18.04.2017/3P/8C

ORDER MADE IN
W.P. (MD) .No.5332 of 2017
28.03.2017