



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.5799 of 2017

Esakku ... Petitioner
Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai - 600 002.
- 3.The Divisional Forest Officer,
Social Forestry Division,
Opposite to Annai Kalyana Mandapam,
Perumalpuram,
Tirunelveli - 627 007.
- 4.The Forest Range Officer,
Social Forest Range,
Sankarankovil,
Tirunelveli District - 627 756.
- 5.The Principal Accountant General Officer,
Accountant General Office,
Annasalai,
Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to count the 50% of service rendered by the petitioner before regularisation as Plot Watcher on daily wages from 18.12.1986 to 07.08.2009 along with the regular service rendered as Super Numeric Plot Watcher to till his retirement on 30.04.2016 as qualifying service for the purpose of conferment of pension and consequential benefits and arrears with interest and consequently direct the respondents 1 to 3 to submit the pension proposal of the petitioner for the terminal benefits for



authorisation before the fifth respondent office within a stipulated time that may be fixed by this Court by considering the petitioner's representation dated 18.03.2017.

For Petitioner : Mr.R.Karunanithi
For Respondents : Mr.J.Gunaseelan Muthiah
1 to 4 Government Advocate.
For Respondent 5 : Mr.P.Gunasekaran

ORDER

Though this Writ Petition is filed for issuance of a Writ of Mandamus to give positive direction to the respondents, the learned Counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the representation of the petitioner dated 18.03.2017 and to pass appropriate order within the time frame fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner, the learned Government Advocate appearing for the respondent 1 to 4 as well as the learned Counsel appearing for the fifth respondent.

3.Having regard to the limited scope of the prayer that is now sought before this Court by the learned Counsel for the petitioner and the admitted facts, without expressing any opinion on the merits of the matter, this Court is inclined to pass the following order:

The respondents 2 and 3 are directed to consider the petitioner's representation dated 18.03.2017 and forward the same to the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall consider the same on merits and in accordance with law and pass final orders on the representation of the petitioner dated 18.03.2017 in the light of the order passed in P.Chinniyar vs. State of Tamil Nadu, rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai - 600 009 and others reported in (2014) 6 MLJ 316, within a period of six weeks thereafter.

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

Sd/-
Assistant Registrar(RTI)



To

1. The Secretary,
Forest and Environment (FR-2) Department,
Secretariat,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai - 600 002.
3. The Divisional Forest Officer,
Social Forestry Division,
Opposite to Annai Kalyana Mandapam,
Perumalpuram,
Tirunelveli - 627 007.
4. The Forest Range Officer,
Social Forest Range,
Sankarankovil,
Tirunelveli District - 627 756.
5. The Principal Accountant General Officer,
Accountant General Office,
Annasalai,
Chennai - 600 002.

+1cc to M/S.R.Karunanithi, Advocate SR.No. 21231
+1cc to Mr. P. Gunasekaran, Advocatem, SR.No.54401.
+1cc to Special Government Pleader, SR.No.55117.

Writ Petition (MD) No.5799 of 2017
26.04.2017

SDS/MR/04.05.2017/3P/9C