



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.(MD)No.6740 of 2017

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S.Subbiah,

... Petitioner

Vs.

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

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

3.Forest Extension Officer,
Forest Extension Centre
Virudunagar at Srivilliputhur
Virudhunagar District.

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents from 1 to 3, to count the half of the service rendered by the petitioner as a social forestry worker from 21.11.1984 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 31.01.2017 as qualifying service and send the revised pension proposal to the 4th respondent and further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

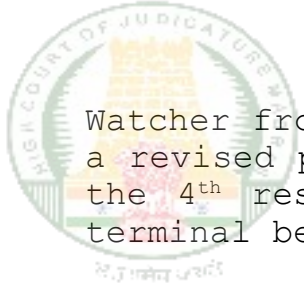
For Petitioner : Mr.G.Chandrasekar

For R1 to R3 : Mr.N.S.Karthikeyan

For R4 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed to issue 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 21.11.1984 to 06.08.2009 along with the regular service as Plot



Watcher from 07.08.2009 to 31.01.2017 as qualifying service and send a revised pension proposal to the 4th respondent and further, direct the 4th respondent to sanction the eligible pension and all other terminal benefits to him.

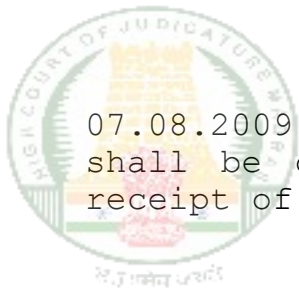
2.The learned counsel appearing for the petitioner submitted that the petitioner joined as temporary Social Forestry Worker on daily wages basis in the Forest Department and he received salary on monthly basis. He also submitted that by a proceedings dated 31.08.2009, the service of the petitioner was regularized from 07.08.2009. On attaining the age of superannuation, the petitioner retired from service on 31.01.2017. He further submitted that the petitioner made a representation on 09.02.2017 and on 06.03.2017 to the respondents, claiming pensionary benefits by calculating 50% of the service as Social Forestry Worker i.e., from 21.11.1984 to the date on which he was absorbed on regular basis along with the regular service he rendered from 07.08.2009 to 31.01.2017.

3.The learned counsel for the petitioner relied upon the judgment of the Learned Single of this Court in the case of *P.Chinniyan Vs. State of Tamil Nadu, Rep.by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai reported (2014)6 MLJ 316*. The Learned Single Judge after referring to the judgment of the Division Bench, which was also confirmed by the Hon'ble Apex Court granted relief to the similarly placed workers in an identical situation. Following the said judgment, this Court subsequently allowed several Writ Petitions.

4.The 3rd respondent has filed a counter affidavit stating that though in several cases, the Government has extended the benefits to the similarly placed persons, granting of such pensionary benefit to the petitioner would amount to huge financial implication, affecting the public exchequer. The petitioner himself has produced a Government Order in G.O.Ms.No.182 Environment and Forests (FR-2) Department, dated 18.07.2012 whereby, the Government sanctioned pension to all the similarly placed persons by taking into account of 50% service rendered by them as employees on daily wages basis along with regular service.

5.Following the above said order passed by this Court and also considering the facts and circumstances of the present case on hand, this Court is inclined to hold that the petitioner is entitled to get the same pension benefits which was extended to similarly placed persons.

6.The Writ Petition, therefore, is allowed and the first respondent is directed to count half of the service of the petitioner rendered as Social Forestry Worker with effect from 21.11.1984 to 31.08.2009 along with the regular service from



07.08.2009 to 31.01.2017 for calculating pension. Such exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

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/True Copy/

Sd/-

Assistant Registrar (Writs)

Sub-Assistant Registrar

To

1. The Secretary to Government
The Government of Tamil Nadu
Forest and Environment Department
Fort St. George, Chennai-9.
2. Principal Chief Conservator of Forests,
Panagal Building
Saidapet, Chennai-15
3. Forest Extension Officer,
Forest Extension Centre
Virudunagar at Srivilliputhur
Virudhunagar District.
4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai-18.

+One cc to Mr.G.Chandrasekar, Advocate, SR.No.59695

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.59944

smi/gns

RL/7C/3P/KKR/SAR1/27/6/2017

ORDER MADE IN

W.P. (MD) No. 6740 of 2017

09.06.2017