

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.714 of 2018

K.Subramanian

... Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Panagal Maaligai,
Saidapet, Chennai-600 015.

2.The District Forest Officer,
Salem District.

3.The Accountant General of Tamil Nadu,
Office at Teynampet,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1980 till 23.01.1995 and the regular service as Forest Watcher from 24.01.1995 till 06.03.2003 for the purpose of calculation of enhanced pension by considering the representation dated 23.11.2017 of the petitioner in the light of the proceedings of the first respondent in Ref.No.LL1/21232/2016 dated 04.04.2017 and to send the revised pensionary proposal to the third respondent within the time limit stipulated by this Court.

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.V.Vijay Prashanth,
Additional Govt. Pleader (Forest) for R1 and R2

O R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents 1 and 2 to count half of the service rendered by the petitioner as Plot Watcher on daily wage basis from 01.10.1980 till 23.01.1995 and to regular his service as Forest Watcher from 24.01.1995 till 06.03.2003 for the purpose of calculation of enhanced pension by considering the representation of the petitioner dated 23.11.2017 in the light

of the proceedings of the first respondent dated 04.04.2017.

2. The petitioner joined as Plot Watcher in the Forest Department on daily wage basis on 01.10.1980 and his service was regularized in the cadre post of Forest Watcher on 07.03.2003 and subsequently he was given promotion as Forest Guard on 14.07.2008. While so, on 06.03.2017, the Government issued orders to regularize the service of the petitioner with retrospective effect from 24.01.1995 in the cadre of Forest Watcher, in the light of order passed by this Court in W.P.No.32498 of 2013 dated 28.11.2013 [A.Gopalakrishnan and 12 others v. Government of Tamil Nadu, Forest & Environment Department and another]. Pursuant thereto, consequential order dated 04.04.2017 was passed by the first respondent to regularize the service of the petitioner with retrospective effect from 24.01.1995. However, within one month, the petitioner retired from service on attaining superannuation on 31.05.2017 and he was also paid with pension, taking into account his service from 07.03.2003 till 31.05.2017. Therefore, the petitioner sent a representation dated 23.11.2017 to the respondents to count half of service rendered by him on daily wage basis from 01.10.1980 till 23.01.1995 and full service from 24.01.1995 till 31.05.2017 and since no response was forthcoming, came forward with this writ petition.

3. Mr.S.V.Vijay Prasanth, learned Additional Government Pleader (Forest), who takes notice for the respondents 1 and 2, sought for four weeks time to consider the pending representation.

4. This Court, taking into consideration that the petitioner has already retired from service on attaining superannuation on 31.05.2017, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 23.11.2017 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Principal Chief Conservator of Forest,
Panagal Maaligai, Saidapet, Chennai-600 015.

2.The District Forest Officer,
Salem District.

3.The Accountant General of Tamil Nadu,
Office at Teynampet, Chennai.

+1cc to Mr.Smani, Advocate, S.R.No.2496

+1cc to the Government Pleader, S.R.No.2629

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SR(CO)
RRK(05/02/2018)



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