

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.21647 of 2017

S.Sundaramoorthy

... 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 Forestry Extension Officer,
Thiruvarur Forestry Division,
Thiruvarur.
4. The Principal Accountant General
of Tamil Nadu,
Teynampet,
Chennai - 18.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to send revised pension proposal for family pension, Commuted Value of pension and DCRG to the fourth respondent to authorize the same as per Government letter No.22825/FR-2/2016-2, dated 02.02.2017 within the time frame.

For Petitioner : Ms.K.Jenitha

For Respondents : Mr.K.K.Ramesh for RR 1 to 3
Government Advocate (F)
R4-Name printed. No Appearance.

O R D E R

The petitioner seeks for a Mandamus directing the respondent Nos.1 to 3 to send revised pension proposal for family pension, Commuted Value of Pension and DCRG to the fourth respondent to authorize the same as per Government Letter No.22825/FR-2/2016-2, dated 02.02.2017.

2.The grievance of the petitioner is that 50% of his temporary service is not counted along with regular service for pension with all consequential benefits. Therefore, the petitioner seeks for a Mandamus as stated supra.

3. The third respondent filed counter affidavit wherein it is stated that half of the service rendered by the petitioner from the date of his regularization has been taken for pension and Accountant General has sanctioned the same in Letter dated 18.11.2016. It is further stated that based on a clarification issued by the Government in letter No.22825/FR-2/2016-2, dated 02.02.2017 regarding the finalization of pensionary benefits of officials who joined regular service after 13.03.2003 and 50% of service rendered on daily wages has been ordered to be counted for regular service for sanction of pension, the petitioner is also eligible for entitlement of the clarification issued by the Government letter and necessary action has been taken to send revised pension proposal to the Accountant General.

4.The learned Counsel for the petitioner submitted that in view of the above stand taken by the third respondent, this writ petition may be disposed of by recording the above said undertaking.

5.Considering the above stated facts and circumstances and considering the very stand taken by the respondents, as stated supra, more particularly, that the revised pension proposal of the petitioner is to be sent to the Accountant General, this Writ Petition is disposed of by directing the respondents 1 to 3 to send the revised pension proposal to the 4th respondent within a period of four weeks from the date of receipt of a copy of this order, as admitted by them in the counter affidavit as stated supra. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1. The Secretary to Government,
Environment and Forest Department,
Fort.St.George, Chennai - 9.
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Panagal Building,
Saidapet, Chennai - 15.
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nr 07/01/2019