

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated :23.10.2018

Coram
The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.27468 of 2018

M. Arumugam

...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,
Cuddalore Forest Division,
Deepan Nagar, Cuddalore- 607 001.
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai - 18.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to count 50% of the service rendered by the petitioner as Plot Watcher on temporary basis from 01.12.1977 to 03.01.2000 by considering his representation dated 25.06.2018 and to send revised pension proposal to the fourth respondent to authorize the same with all consequential benefits within time frame.

For Petitioner : Mr.K.Jenitha

For Respondents 1 -3 : Mr.M.Santhanaraman
Additional Government Pleader

O R D E R

Heard, Mr.K.Jenitha, the learned counsel appearing for the petitioner and Mr.M.Santhanaraman, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3. Considering the nature of order that is to be passed herein, notice to the fourth respondent can be dispensed with. Accordingly, it is dispensed with.

2. The petitioner, who was working as Plot Watcher on temporary basis was regularised in his service. Thereafter, he has been superannuated. After his superannuation, though he is in receipt of pension, but, made a representation on 25.06.2018, to the third respondent to revise his pension, indicating therein that for calculation of qualifying service for pension, he is entitled to 50% of the service rendered temporarily as Plot Watcher, but the same has not been taken note of. Such representation being pending, he came to file this Writ Petition seeking a direction to the third respondent to consider such representation in a time bound manner.

3. The learned counsel appearing for the petitioner submits that in view of the limited prayer of the petitioner, the Writ Petition may be disposed of with the aforesaid direction to the respondents without seeking their response, in any manner, inasmuch as, the same is going to cause no prejudice to the respondents.

4. The learned Additional Government Pleader appearing for the respondents submits that the third respondent against whom, such representation is made has no objection for the same, but submits that this Court should not put any fetter with regard to the decision to be taken on such representation in any particular manner, except the time limit.

5. Considering the aforesaid facts and submission made, especially, the nature of relief sought for, this Court, without seeking reply affidavit, dispose of this Writ Petition at the stage of admission with a direction to the third respondent to take an informed and considered decision on the petitioner's representation dated 25.06.2018, if the same is pending till date and intimate the decision thereof to the petitioner within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has expressed no opinion on such representation of the petitioner in any manner, therefore, there is no fetter on the third respondent to take a decision on the same as it may deem fit and proper, addressing the law in this regard, but, within the stipulated time. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sd

To

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

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Chennai - 15.

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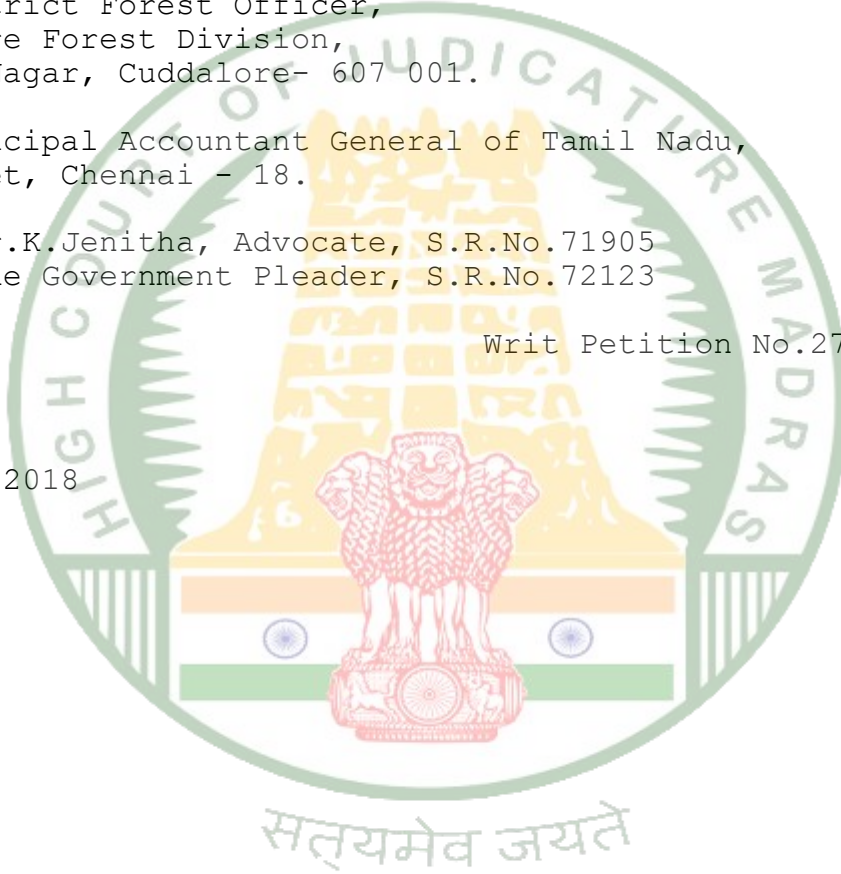
+lcc to Mr.K.Jenitha, Advocate, S.R.No.71905

+lcc to the Government Pleader, S.R.No.72123

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CP(CO)

rrs 27/11/2018



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