



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.21891 of 2018

M.Madasamy

... Petitioner

Vs.

1.The State Government of Tamil Nadu,
represented by Secretary to Government,
Finance(Pension) Department,
Fort St.George,
Chennai-9.

2.The Principal Chief Conservator of Forests,
Panagal Buildings,
Chennai - 15.

3.The District Forest Officer,
Collector Office Near,
Thoothukudi District.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 to 3 from counting the half of the service rendered by the Petitioner as a Social Forestry Worker from 1.1.1987 to 6.8.2009 along with his regular service as Plot/Forest Watcher from 7.8.2009 to 30.6.2015 as the qualifying service and send the revised pension proposal to the fourth respondent and further to direct the fourth respondent to sanction the eligible pension to the Petitioner from 30.6.2012 onwards with all monetary benefits including arrears.

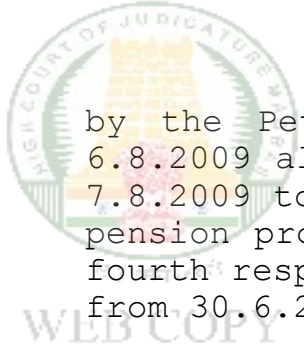
For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.R.Sethuraman,
1 to 3 Special Govt.Pleader

For Respondent-4 : Mr.P.Gunasekaran

O R D E R

This writ petition has been filed, seeking a direction to the respondents 1 to 3 from counting the half of the service rendered



by the Petitioner as a Social Forestry Worker from 1.1.1987 to 6.8.2009 along with his regular service as Plot/Forest Watcher from 7.8.2009 to 30.6.2015 as the qualifying service and send the revised pension proposal to the fourth respondent and further to direct the fourth respondent to sanction the eligible pension to the Petitioner from 30.6.2012 onwards with all monetary benefits including arrears.

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel takes notice for the fourth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The grievance of the Petitioner is that 50% of the services rendered by him prior to regularization has not been taken into account for the purpose of pension and other benefits as per Rule 11 (2) of the Tamil Nadu Pension Rules. The Petitioner has relied upon a decision of the Honourable Division Bench of this Court in *W.A.Nos.27 and 28 of 2012, dated 13.2.2012 (Government of Tamil Nadu, represented by its Secretary to Government .vs. M.Gopal)* which was confirmed by the Honourable Apex Court in SLP.Nos.14838-14839 of 2012, dated 10.5.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests(FR-2) Department, dated 18.7.2012. Further, in *P.Chinniyar .vs. State of Tamil Nadu, reported in (2014) 6 MLJ 316*, this Court has given a direction to count 50% of service rendered before regularization.

4.Following the above said orders, the Writ Petition is disposed of directing the respondents 1 to 3 to count 50% of the service rendered by the Petitioner before regularization along with the service rendered by him after regularization for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and also the Judgements referred to above and send the revised proposal for the terminal benefits for authorization before the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order and the fourth respondent is directed to authorize the same within a period of two weeks thereafter. No costs.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To:

1.The Secretary to Government of Tamil Nadu,
Finance(Pension) Department,
Fort St.George,
Chennai-9.



2.The Principal Chief Conservator,
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Chennai - 15.

3.The District Forest Officer,
Collector Office Near,
Thoothukudi District.

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

+1cc to Mr.P.M.VISHNUVARTHANAN, Advocate, SR.No. 92470

+1cc to Mr.P.GUNASEKARAN, Advocate, SR.No. 92680

+1cc to M/s.Special Government Pleader,SR.No. 92238

W.P. (MD) No.21891 of 2018
25.10.2018

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