



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16540 of 2018

A.Chinnaiya

... Petitioner

Vs

- 1) The State of Tamil Nadu,
Rep.by its Secretary to Government,
Environment and Forest Department,
Fort.St.George,
Chennai- 600 009
- 2) The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-600 015
- 3) The Wildlife Warden,
Megamalai Wildlife Division,
Theni District.
- 4) The Principal Accountant
General of Tamil Nadu,
Teynampet, Chennai-600 018

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.03.1982 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.06.2018 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all consequential benefits .

For Petitioner: Mr.K.Jenitha

For RR 1 to 3 : Mr.M.Murugan,
Government Advocate.

For R4 : Mr.P.Gunasekaran

**ORDER**

The prayer sought for in this Writ Petition is for a Writ of Mandamus directing respondents 1 to 3 to count the half of service rendered by the petitioner as Plot Watcher from 01.03.1982 to 06.08.2009, on temporary basis, along with the regular service from 07.08.2009 till the date of retirement on 30.06.2018 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all consequential benefits .

2. Heard Ms.K.Jenitha, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the official respondents, (i.e.,) RR 1 to 3 and Mr.P.Gunasekaran, learned standing counsel appearing for the fourth respondent.

3. Learned counsel appearing for the petitioner would submit that, the petitioner was appointed as Plot Watcher in the Forest Department of the respondent from 01.03.1982 and he worked in that capacity till 06.08.2009. Thereafter, with effect from 07.08.2009, he was promoted as Forest Watcher and posted at the Ayyalur Interface Forestry Division. Thereafter, by virtue of the Government Order in G.O.Ms.No.95, Environment and Forest Department dated 07.08.2009, his post has been regularised and he retired from service on 30.06.2018. However, the petitioner has not been given any retiral benefits and therefore, in order to get the same, the petitioner gave a representation dated 30.06.2018.

4. Learned counsel appearing for the petitioner would submit that, if the said representation given by the petitioner dated 30.06.2018 is directed to be considered and an order to that effect is passed on merits and in accordance with law, within a time frame stipulated by this Court, the petitioner would be satisfied.

5. I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner dated 30.06.2018 would be considered by the respondents on merits and in accordance with law within a time frame that may be fixed by this Court.

6. Considering the limited scope of the Writ Petition, this Court is inclined to pass the following orders:

"That the second respondent is directed to consider the request of the petitioner dated 30.06.2018 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."



7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-I)

To

- 1) The Secretary to Government,
The State of Tamil Nadu,
Environment and Forest Department,
Fort.St.George, Chennai- 600 009
- 2) The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-600 015
- 3) The Wildlife Warden,
Megamalai Wildlife Division,
Theni District.

+1 CC To MR.P.GUNASEKARAN, Advocate SR. NO.75394
+2 CC To MR.K.JENITHA, Advocate SR. NO. 75287
+1 CC TO The Special Government Pleader SR.NO. 75650

Order made in
W.P. (MD) No.16540 of 2018

STS

TR/SKN/SAR-I (25.10.2018) 3P 8C