



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.09.2018
CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.19884 of 2018

V.Ponnuchamy

... Petitioner

Vs.

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

2.The Principal Chief Conservator,
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.

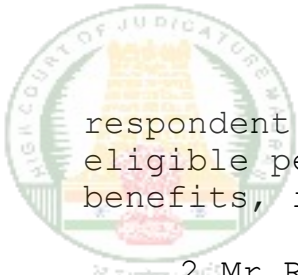
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as a Social Forestry Worker from 16.12.1986 to 06.08.2009 along with his regular service as Plot / Forest Watcher from 07.08.2009 to 30.06.2012 as qualifying service and send the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension to the petitioner from 30.06.2012 onwards with all monetary benefits, including arrears.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.R.Sethuraman, Spl.G.P.for R1 to 3
Mr.P.Gunasekaran for R4

ORDER

The petitioner has come forward with the present Writ petition to issue a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as a Social Forestry Worker from 16.12.1986 to 06.08.2009 along with his regular service as Plot / Forest Watcher from 07.08.2009 to 30.06.2012 as qualifying service and send a revised pension proposal to the fourth



respondent and to direct the fourth respondent to sanction the eligible pension to the petitioner from 30.06.2012 with all monetary benefits, including arrears.

2.Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel appearing for the fourth respondent. By consent, this Writ petition is taken up for final disposal at the admission stage.

3.The grievance of the petitioner is that 50% of the service rendered by him prior to regularization is not 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 on the decision of the Hon'ble Division Bench of this Court in W.A.Nos.27 and 28 of 2012 dated 13.02.2018 (Government of Tamil Nadu rep.by its Secretary to Government Vs. M.Gopal) which was confirmed by the Hon'ble Apex Court in S.L.P.Nos.14838 & 14839 of 2012 on 10.05.2012. The Government implemented the same in G.O.Ms.No.183, Environment and Forests (FR-2) Department, dated 18.07.2012. 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, this Writ petition is disposed of, directing the respondents 1 to 3 to count 50% of 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 judgments referred to above and send a 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,
Panagari 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.

+1CC to Mr.P.M.Vishnuvarthanan, Advocate, SR.No.85067

+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 84714

+1CC to the Special Government Pleader SR.No. 84556

W.P. (MD) No.19884 of 2018
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NBJ

ES/SKN/SAR 1/30.10.2018/3P/8C