

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32684 of 2019

1 K.ALLIMUTHU ... Petitioner

Vs.

1.Government of Tamil Nadu
Rep. by its Secretary Environment and
Forest Department, Fort St.George,
Chennai 600 009.

2.The Principal Chief Conservator
of Forest,
Office at Panagal Maligai ,
Saidapet, Chennai 600 015.

3.The District Forest Officer,
Attur.

4.The Accountant General of
Tamil Nadu Office at DMS Compound,
Teynampet, Chennai 600 018. ...

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to calculate and pay petitioners pension from the date of the petitioners retirement on 30/06/2017 instead of 27/09/2018 considering the petitioners representation dated 29/09/2019 respectively.

For Petitioner : MrChellapandian,
Standing Counsel for Mr. S.Mani

For Respondents: Mr.M.Eluzalai,
Government Advocate.

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents to calculate and pay petitioners pension from the date of the petitioners retirement on 30/06/2017 instead of 27/09/2018 considering the petitioners representation dated 29/09/2019 respectively.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, he joined as Plot Watcher on daily wage basis in the Forest Department on 01.06.1981 and after 14 years, his service was regularised with retrospective effect from 24.01.1995 in the cadre of Forest Watcher and he retired on 30.06.2017. But after his retirement, pension was calculated from 26.09.2018 instead of date of retirement from 01.07.2017 till 26.09.2018. According to the petitioner since pursuant to the orders of this Court, vide Government Order in Letter No.8496/FR2(11)/2018-3, dated 27.09.2018, the service of the petitioner was regularised with effect from 24.01.1995 in the post of Forest Watcher on par with his juniors and thereafter, the 3rd respondent ought to have submitted his pension proposals to the fourth respondent from 30.06.2017, but he submitted the same with effect from 27.09.2018 instead of 31.06.2017 along with his service register to fourth respondent. Hence the petitioner made representation in person on 29.09.2019 and despite of the same no orders have been passed by the respondents, hence the writ petition.

4. The learned counsel for the petitioner would submit that without going into merits of the case since several representations made by the petitioner has been pending without any progress, it would suffice if this Court directs the respondent and to consider and dispose of the representation dated 29.09.2019, made by the petitioner, in accordance with law.

5. The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.

5. Considering the facts and the submission made by learned counsel on either side, the petitioner is directed make a fresh representation along with the copy of this order within a period of two weeks from the date of copy of this order to the

respondents and on such representation being made by the petitioner, the respondents shall consider and dispose of the same in accordance with law and on merits, within a period of six weeks thereafter.

6.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

- 1.The Secretary Environment and Forest Department, Fort St.George, Chennai 600 009.
- 2.The Principal Chief Conservator of Forest, Office at Panagal Maligai , Saidapet, Chennai 600 015.
- 3.The District Forest Officer, Attur.
- 4.The Accountant General of Tamil Nadu Office at DMS Compound, Teynampet, Chennai 600 018.

+1cc to Mr. S.Mani, Advocate SR.97183

+1cc to Spl Government Pleader (Forest), SR.96810

W.P.No.32684 of 2019

SR(CO)
CB(08/01/2020)

सत्यमेव जयते

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