

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.33179 of 2019

P.Alagarsamy

... Petitioner

vs

The Accountant General (A and E)
O/o Chief Accountant Officer,
361, Anna Salai,
Tyenampet,
Chennai 600 018.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to consider the petitioners representation dated 30.08.2019 for sanctioning the pension for left out period from 01.02.2014 to 14.09.2017 and disburse all terminal benefits from the date of retirement of the petitioner on 31.01.2014.

For Petitioner : Mr.Durai Gunasekaran
For Respondent : Mr.Vijay Shankar

ORDER

1. The petitioner has filed this writ petition, seeking issuance of a Writ of Mandamus, to direct the respondent herein to consider the petitioners representation dated 30.08.2019 for sanctioning the pension for left out period from 01.02.2014 to 14.09.2017 and disburse all terminal benefits from the date of retirement of the petitioner on 31.01.2014.
2. According to the petitioner, he was appointed as a Supernumery Plot Watcher on 01.11.1981 on daily wage basis and monthly consolidated pay and he was served as a social Forestry worker in the Vilathikulam social Forest Range, as a social Forest Range for a period from 01.02.1983 to 01.07.2004. Thereafter, the petitioner's service was regularised on 02.07.2004 and posted as forest Reserve Water till 07.11.2011 and further he was promoted was posted as a Forest Guard and he attained the age of superannuation on 31.01.2014. The State Government Environment and Forest (RF2-II) Department has issued a G.O.(D) No.28 dated 05.09.2017 to implement the orders of this Court to count 50% of service rendered by the 55 similarly placed

employees including the petitioner on daily wages along with their regular service for calculation of pension and other monetary benefits. In compliance of the order, the payment of pension for the let out service, has not been sanctioned to the petitioner. The petitioner worked for more than 33 years with unblemished record of service, now the petitioner is a retired person solely depending on the pension for his livelihood. The respondent being a statutory authority, has not considered the petitioner's case even after receipt of representation dated 30.08.2019. The petitioner is entitled to get his pension for the left out period and the same was not sanctioned due to the fact that they have miscalculated the period and disbursed pension from 14.09.2007, but leaving the period from the date of retirement i.e. 31.01.2014 till 14.09.2017. Hence the writ petition.

- 3.The learned counsel for the petitioner would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondents and to consider and dispose of the representation dated 30.08.2019, made by the petitioner in accordance with law.
- 4.The learned counsel 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 circumstances of the case and the submissions made on either side, without going into the merits of the case, the respondents are directed to consider and dispose of the representation dated 30.08.2019, made by the petitioner in accordance with law and on merits, within a period of 12 weeks from the date of receipt of a copy of this order.

- 6.With the above observation, this Writ Petition is disposed of.
No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

jrs

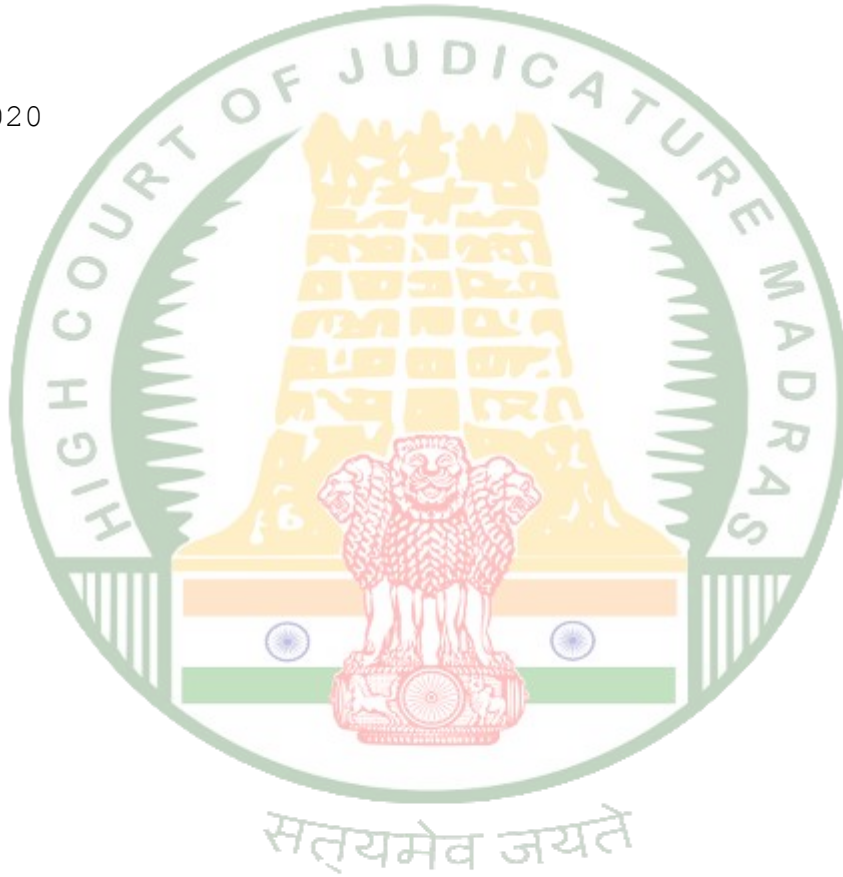
To

The Accountant General (A and E)
O/o Chief Accountant Officer,
361, Anna Salai,
Tyenampet,
Chennai 600 018.

+1 cc to M/s.Durai Gunasekaran Advocate sr99616

W.P.No.33179 of 2019

aa02/01/2020



WEB COPY