



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 2117 of 2018

WEB COPY

R.M.Koneri

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai - 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3.The District Forest Officer,
Trichy Division,
Trichy - 641 018.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Social Forestry Worker from 04.09.1985 to 30.01.1995 on temporary basis along with the regular service from 31.01.1995 till the date of retirement on 30.11.2017 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	: M/s.K.Jenitha
For R1 to R3	: Mr.M.Mari Chelliah Prabhu Additional Government Pleader
For R4	: Mr.P.Gunasekaran

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Forestry Worker from 04.09.1985 to 30.01.1995 on temporary basis along with the regular service from 31.01.1995 till the date of retirement on 30.11.2017 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 the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3. The case of the petitioner is that he joined in service as a Plot Watcher in the Forest Department on 04.09.1985. As per G.O.Ms.No.64, Environment and Forest Department, dated 08.03.1999, the name of the petitioner was included in the Statewide Seniority list and subsequently, he was appointed as a Forest Watcher in the regular time scale of pay on 08.06.2013. Thereafter, as per orders passed by this Court, the petitioner's service was regularised with effect from 31.01.2017 and he retired from service on 30.11.2017. Under the said circumstances, the petitioner sent a representation to the third respondent to send his pension proposal to the fourth respondent by counting 50% of his temporary service along with regular service. But the same has not been considered so far. Hence, the petitioner is before this Court.

4. Dealing with the subject matter in detail, the Division Bench of this Court has passed an order on 27.03.2018 in W.A(MD) Nos.51 of 2018 and etc., batch cases, analysing all the corresponding G.Os. in the Judgment and ultimately, observed in paragraph No.31(vi) as follows:-

"31(vi) In W.P(MD)No.22510 of 2015, apart from seeking for regularization of the services by counting 50% of the services rendered as Plot Watcher, the petitioner seeks for pensionary benefits also. This Court has directed that the benefit of 50% of the services should be reckoned, while calculating the length of service. Thus, if the petitioner has attained the age of superannuation, it goes without saying that consequential revision in pensionary benefits are required to be settled and the Writ Petition stands disposed of accordingly."

5. Agreed with the same, this Writ Petition stands disposed of on the same line as observed in the judgment rendered in W.A (MD) Nos.51 of 2018 and etc., batch cases, dated 27.03.2018. No costs.

Sd/-

Assistant Registrar (crl.side)

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To

1.The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai - 9.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai - 15.

3.The District Forest Officer,
Trichy Division, Trichy - 641 018.

+1 CC to M/s.K.JENITHA, Advocate (SR-50214[F] dated 27/02/2019)

+1 CC to M/s.SPL GP (SR-50530[F] dated 28/02/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-51136[F] dated
01/03/2019)

mj

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