



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.10580 of 2019

P.Velusamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Environment and Forest Department,
Fort St George, Chennai.
- 2.The Principal Chief Conservator of Forest,
Panagal Building, Saidapet, Chennai - 15.
- 3.The District Forest Officer cum Wild Life Warden,
Office of the Grizzled Squirrel Wild Life Sanctuary,
Srivilliputhur, Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint and absorb the petitioner as Forest Watcher (or) Mali with effect from the date of his junior's retrospective appointment and absorption on 24.01.1995 as Forest Watcher in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008, W.A.No.690 of 2008 dated 13.10.2009, W.P.No.23374 of 2008 dated 30.10.2009, W.A.No. 607 of 2010 dated 29.03.2010 and the Government Order (Ms) No. 8 of the first respondent dated 21.01.2019 with all consequential benefits.

For Petitioner	: Ms.K.Jenitha
For Respondents	: Mr.S.Angappan, Government Advocate

ORDER

The writ petition has been filed seeking issuance of a writ of Mandamus, directing the respondents to appoint and absorb the petitioner as Forest Watcher (or) Mali with effect from the date of his junior's retrospective appointment and absorption on 24.01.1995 as Forest Watcher in the light of the order passed in W.P.No.15561 of 2006 dated 10.03.2008 and W.A.No.690 of 2008 dated 13.10.2009; and W.P.No.23374 of 2008 dated 30.10.2009 and W.A.No. 607 of 2010 dated 29.03.2010 and the Government Order (Ms) No. 8 of the first respondent dated 21.01.2019 with all consequential benefits.

2.Heard the learned Counsel appearing for the petitioner and the Government Advocate appearing for the respondents. By consent, this writ petition is taken for final disposal at the stage of admission itself.



3.The learned Counsel appearing for the petitioner submitted that the petitioner was initially appointed as Plot Watcher in the Forest Department on 18.10.1983 on daily wage basis and served in the said capacity till 07.08.2009. Subsequently, his service was regularised in the post of Forest Watcher by the second respondent vide order dated 28.08.2017 with effect from 01.09.2017. Thereafter, the petitioner retired from service on attaining the age of superannuation.

4.The learned Counsel appearing for the petitioner further submitted that the petitioner's pension proposal was not forwarded by the third respondent under the Tamil Nadu Pension Rules, 1978, on the ground that the petitioner has not completed ten years of pensionable service. The learned counsel also submitted that Rule 11(2) of the Tamil Nadu Pension Rules, 1978, clearly states that for calculating qualifying service, half of the service rendered from contingencies shall be allowed to be counted, and that in the petitioner's case, his services satisfy the conditions contained in Rule 11(2) of the said Rules, as he was appointed on daily wage basis on 18.10.1983; he was promoted and regularized on 01.09.2017; his daily wage pay was calculated and paid only on monthly basis, and he was absorbed in service without any break-in-service. A similar issue was favourably considered by this Court in W.A(MD) No.51 of 2018 and etc. batch of cases. Hence, the petitioner has sent a representation to the respondents for the similar relief. Since the same has not been considered by the respondents, the petitioner has filed the present Writ Petition.

5.The learned Government Advocate appearing for the respondents submitted that the petitioner's services had already been regularised. He further submitted that the respondents would consider the representation of the petitioner, on merits and as per law.

6.In view of the above, the respondents are directed to consider the claim of the petitioner, seeking revision of pension and pass appropriate orders on merits and in accordance with law and also in the light of the orders cited supra, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //



- 1.The Secretary to Government,
Environment and Forest Department,
Fort St George,
Chennai.
- 2.The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.
- 3.The District Forest Officer cum Wild Life Warden,
Office of the Grizzled Squirrel Wild Life Sanctuary,
Srivilliputhur,
Virudhunagar District.

+1CC TO MR.K.JENITHA, Advocate Sr. No.63382

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.63999

ORDER MADE IN
WP (MD) No.10580 of 2019
27.04.2019

NRK (CO)
TR (26.06.2019) 3P 6C