



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 20985 of 2015

WEB COPY

D. Jeyaseelan

... Petitioner

-Vs-

1. The Secretary to Government,
Environment and Forest Department,
Chennai-600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai.
3. The Zonal Forestry Extension Conservator,
Race Course Road, Madurai-20.
4. The District Forest Officer,
Dindigul Division, Collectorate,
Dindigul.
5. The Forestry Extension Divisional Officer,
Collectorate, Dindigul.
6. The Principal Accountant General,
Teynampet, Chennai.

... 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 respondents 1 to 5 to count 50% of total service rendered by the petitioner in the post of Social Forestry Worker for a period from 01.01.1981 to 31.11.1997 together with the service rendered in the post of Plot Watcher for the period from 01.12.1997 to 31.07.2009 together with the service rendered in the post of Supernumerary Plot Watcher for the period from 01.08.2009 to 31.07.2015 as qualifying service for the purpose of pension and other terminal benefits and arrears with interest and to direct the 5th respondent to send pension proposal to the 6th respondent based on the petitioner's representation dated 07.10.2015.

For Petitioner : Mr. T. Selvan
For R1 to R5 : Mr. D. Muruganantham,
Additional Government Pleader.
: Mr. P. Gunasekaran

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 to 5 to count 50% of the service rendered in the post of Social Forestry Worker for the period from 01.01.1981 to 31.11.1997 for the purpose of granting pensionary benefits.

2. Pursuant to the amendment of the Tamil Nadu Pension Rules, 1978, (hereinafter referred to as 'the Rules'), more specifically, Rule 11(4) of the Rules, temporary services rendered by the employees are to be taken into account to the extent of 50% for calculating the qualifying services. Thus, the temporary service to the extent of 50% is to be reckoned for the purpose of calculating the qualifying service along with regular service rendered by the employee concerned.

3. This being the amendment made in Rule 11(4) of the Rules, the writ petitioner is entitled to get benefit of 50% of the temporary service for counting qualifying service.

4. The issue has already been decided by the Hon'ble Division Bench of this Court in W.A.(MD)No.720 of 2013, dated 23.04.2013 and the relevant paragraphs are extracted hereunder:-

"2. In Writ Appeals Nos.518, 556 and 571 of 2013, the Division Bench of this Court by order dated 16.4.2013 dismissed the writ appeals by granting 50% of the services rendered as contingency services along with regular service for the purpose of pension under Rule 11 (2) of the Tamil Nadu Pension Rules, 1978. The said order was passed by following the judgment made by Division Bench of this Court in Writ Appeal Nos.27 and 28 of 2012 dated 13.2.2012, which was confirmed by the Hon'ble Supreme Court by order dated 10.5.2012 in SLP. (Civil) Nos.14838 and 14839 of 2012 granting the relief sought for by the respondents.

3. Following the above stated judgments, no indulgence is called for in the order passed by the learned Single Judge. Hence, the writ appeal is dismissed. No costs. Consequently, connected MP is also dismissed."

5. Accordingly, the respondents are directed to extend the benefit of counting 50% of temporary service to the writ petitioner along with his regular service for the purpose of calculating the qualifying service and accordingly, settle the pensionary benefits as per the rules in force.



6. With these observations, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (C.O)

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Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Environment and Forest Department,
Chennai-600 009.
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Race Course Road, Madurai-20.
4. The District Forest Officer,
Dindigul Division, Collectorate,
Dindigul.
5. The Forestry Extension Divisional Officer,
Collectorate, Dindigul.

+1 CC to Mr.T.SELVAN, Advocate SR-74879.
+1 CC to SPL GP SR-74993.
+1 CC to Mr.P.GUNASEKARAN, Advocate SR-75015.

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