



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM:

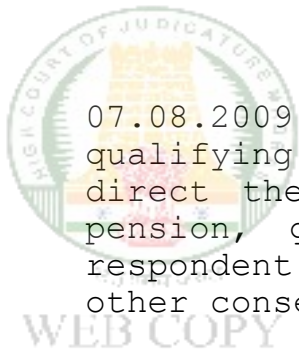
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) Nos.22158, 22159 and 22163 of 2019

V.Ayyamperumal ... Petitioner in W.P.(MD)No.22158 of 2019
S.Balamani ... Petitioner in W.P.(MD)No.22159 of 2019
S.Krishnan ... Petitioner in W.P.(MD)No.22163 of 2019
-Vs-

- 1.The State of Tamil Nadu,
Represented 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. ... Respondents 1 and 2
in all Writ Petitions
- 3.The District Forest Officer,
Sivagangai Forest Division,
Sivagangai District-630 562. ... 3rd Respondent
in W.P.(MD)No.22158 of 2019
- 3.The District Forest Officer,
Pudukkottai Forest Division,
Pudukkottai District-622 004. ... 3rd Respondent
in W.P.(MD)No.22159 of 2019
- 3.The District Forest Officer / Wild Life Warden,
Wild Life Sanctuary,
Kodaikanal Forest Division,
Dindigul District. ... 3rd Respondent
in W.P.(MD)No.22163 of 2019
- 4.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-1. ... 4th Respondent
in all Writ Petitions

PRAYER in W.P.(MD)No.22158 of 2019: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Worker from 01.11.1984 to 06.08.2009 on temporary basis along with the regular service from



07.08.2009 to till the date of retirement on 31.07.2019 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, gratuity and commuted value of pension to the fourth respondent under old pension scheme to authorize the same with all other consequential benefits within the time frame.

PRAYER in W.P.(MD)No.22159 of 2019: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner's husband as Plot Watcher from 01.11.1983 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 to till the date of retirement on 12.06.2011 as qualifying service for the purpose of conferment of family pension and to direct the respondents to send pension proposal to the fourth respondent to authorize the same with all other consequential benefits within the time frame.

PRAYER in W.P.(MD)No.22163 of 2019: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to count the half of service rendered by the petitioner as Social Worker from 01.11.1984 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 to till the date of retirement on 31.07.2019 as qualifying service for the purpose of conferment of pension and to direct the respondents to send pension proposal including family pension, gratuity and commuted value of pension to the fourth respondent under old pension scheme to authorize the same with all other consequential benefits within the time frame.

For Petitioner : Ms.K.Jenitha
(in all Writ Petitions)

For R1 to R3 : Mr.S.Dhayalan,
(in all Writ Petitions) Government Advocate.

For R4 : Mr.P.Gunasekaran
(in all Writ Petitions)

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2.These Writ Petitions are filed to direct the respondents 1 to 3 to count the half of service rendered by the petitioner in W.P.(MD)Nos.22158 and 22163 of 2019 as Social Worker and the petitioner's husband as Plot Watcher in W.P.(MD)No.22159 of 2019 on temporary basis along with the regular service, as qualifying



service for the purpose of conferment of pension and to direct the respondents to send pension proposal, including family pension, gratuity and commuted value of pension to the fourth respondent under old pension scheme to authorize the same with all other consequential benefits.

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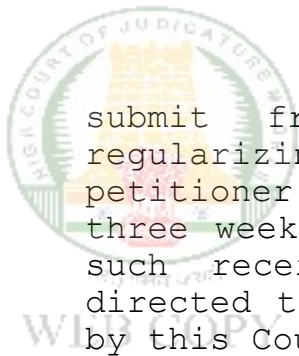
3.Mr.S.Dhayalan, learned Government Advocate takes notice on behalf of the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel appearing for the fourth respondent. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4.According to the petitioners, the petitioner in W.P.(MD) Nos.22158 and 22163 of 2019 joined in service as Social Worker and the petitioner's husband in W.P.(MD)No.22159 of 2019 joined as Plot Watcher on temporary basis. Their services were regularized and they retired on attaining the age of superannuation on various dates. As per Rule 11(2) of the Tamil Nadu Pension Rules, 50% of the service rendered by the employees, who are in non-provincialized service on consolidated pay / honorarium / daily wages basis, has to be taken into account for the purpose of calculating pension.

5.The learned counsel appearing for the petitioners submitted that this issue was already considered by this Court, in its order dated 19.04.2011, made in W.P.No.8205 of 2011 and the respondents were directed to calculate 50% of the service rendered by the temporary employees. The Writ Appeal in W.A.Nos.27 and 28 of 2012 and S.L.P.(C)Nos.14838 to 14839 of 2012 and 16119 to 16120 of 2012 filed by the Government were dismissed. After dismissal of the Writ Appeal and S.L.P., the Government extended the said benefit to all the employees and similarly placed persons like petitioners. The petitioner gave representations to the respondents on various dates. However, the same were not considered by this Court. Hence, the petitioners have come out with the present Writ Petitions.

6.The learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent submitted that if the petitioners are directed to give fresh representations along with the certificates, regularizing the services of the petitioners in W.P.(MD)Nos.22158 and 22163 of 2019 and the husband of the petitioner in W.P.(MD)No.22159 of 2019, the same will be considered.

7.The claim of the petitioners is that 50% of service on temporary service rendered by them has to be taken into account for calculating pension payable to them, as per Rule 11(2) of the Tamil Nadu Pension Rules. This issue was already considered by this Court. Considering the submissions made by the learned counsel appearing for the petitioners, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent, the petitioners are directed to



submit fresh representations, enclosing all the documents, regularizing the service of the petitioners and the husband of the petitioner respectively, to the first respondent, within a period of three weeks from the date of receipt of a copy of this order. On such receipt of the representations, the first respondent is directed to consider the same, in view of the earlier order passed by this Court, within a period of four weeks thereafter.

8.With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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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, Sivagangai Forest Division,
Sivagangai District-630 562.
 - 4.The District Forest Officer, Pudukkottai Forest Division,
Pudukkottai District-622 004.
 - 5.The District Forest Officer / Wild Life Warden,
Wild Life Sanctuary,
Kodaikanal Forest Division, Dindigul District.
 - 6.The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-1.
- +1 CC to M/s.SPL GP (SR-93562[F] dated 22/10/2019)
+3 CC to M/s.K.JENITHA, Advocate (SR-93642 to 93644[F] dated 22/10/2019)
+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-93889[F] dated 23/10/2019)

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JMN(15.11.2019) 4P : 12C