



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.477 of 2016

WEB COPY

A.Shanmugavelu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai-600 009.

2.The Principal Chief Conservator of Forest,
Panagal Buildings,
Saaidapet,
Chennai.

3.The Forest Range Officer,
Social Forest Range,
Sankarankoil,
Tirunelveli District.

4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.

5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the petitioner's service and to disburse all the monetary benefits from the date of appointment on 12.08.1986 as a Social Forest Workers/Gardner with promotions and increments and all other benefits as per G.O.Ms.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 and to pay the retirement benefits and pension to the petitioner.

For Petitioner: Mr.N.Sudalai Muthu

For R1 to R4 : Mr.VR.Shanmuganathan,
Special Government Pleader

For R5 : Mr.P.Gunasekaran



ORDER

This writ petition is filed seeking for a mandamus directing the respondents to regularize the petitioner's service and to disburse all the monetary benefits from the date of appointment on 12.08.1986 as a Social Forest Workers/Gardner with promotions and increments and all other benefits as per G.O.Ms.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, and to pay the retirement benefits and pension to the petitioner.

2. According to the petitioner, he was appointed as Plot Watcher on 12.08.1986 and he was paid with Rs.225/- as monthly salary. The appointment was a temporary one and even after 16 years of service, his services were not regularised. He retired on 31.08.2002 on attaining the age of superannuation. According to the learned counsel for the petitioner, as per G.O.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, the persons, who have worked on daily wage basis for more than 10 years of service as on 1.1.2006 will be regularised, by appointing them in the scale of pay and in the writ petition filed by the similarly placed persons, favourable orders were passed. On the above pleadings, the learned counsel for the petitioner contended that the petitioner is also entitled for regularisation and payment of retirement benefits and pension.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

4. From the materials on record, it is seen that according to the petitioner, he retired from service on 31.08.2002 on attaining the age of superannuation. On his date of superannuation, G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, was not issued by the Government. G.O.Ms.No.22, dated 28.02.2006, was issued long after the retirement of the petitioner. G.O.Ms.No.22, dated 28.02.2006, relied on by the petitioner is not applicable to the petitioner and further, he has approached this Court after 14 years of his retirement.

7. For the above reasons, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



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To

- 1.The Secretary,
Forest and Environment (FR-2) Department,
Secretariat, Chennai-600 009.
- 2.The Principal Chief Conservator of Forest,
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Chennai.
- 3.The Forest Range Officer,
Social Forest Range,
Sankarankoil,
Tirunelveli District.
- 4.The Divisional Forest Officer,
Social Forestry Division,
Tirunelveli.
- 5.The Principal Accountant General Officer,
Accountant General Office,
Chennai.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-87662[F] dated
19/09/2019)

+1 CC to M/s.SPL GP (SR-87577[F] dated 18/09/2019)

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