



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No24046 of 2019

WEB COPY

G.Karuppayee

...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 Building, Saidapet, Chennai-15.
- 3.The Divisional Forest Officer
Social Forestry Division Office
Office of the District Collector Campus
Ramanathapuram
- 4.The District Forest Officer,
Ramanathapuram
- 5.The Forest Officer
Forest Extension Centre
Paramakudi, Ramanathapuram District
- 6.The Principal Accountant General (A & E)
Accountant General Office
361, Anna Salai, Teynampet
Chennai

...Respondents

PRAYER : Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to count half of the service of the petitioner's husband before his absorption on 07.08.2009 (ie. from 30.02.1983 to 06.08.2009 along with regular service for the petitioner's husband from 07.08.2009 to 30.09.2011 for the purpose of granting pension and to grant all benefits/retirement benefits with 18% interest within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Seemaraj

For R1 to R5 : Mr.C.Ramar

Additional Government Pleader

For R6

:Mr.P.Gunasekaran



ORDER

The Writ Petition has been filed for a direction to the respondents to count half of the service of the petitioner's husband before his absorption on 07.08.2009 (ie. from 30.02.1983 to 06.08.2009 along with regular service for the petitioner's husband from 07.08.2009 to 30.09.2011 for the purpose of granting pension and to grant all benefits/retirement benefits with 18% interest within a time frame to be fixed by this Court.

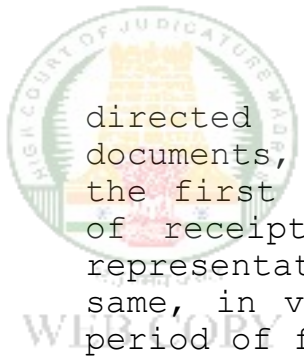
2.Heard Mr.K.Seemaraj, learned counsel appearing for the petitioner, Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents 1 to 5 and Mr.P.Gunasekaran, learned counsel appearing for the sixth respondent.

3.According to the petitioner, her husband joined in service as Forest Plot Watcher on daily wage basis. His service was regularized on 07.08.2009 and he retired on attaining the age of superannuation on 30.09.2011. 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.

4.The learned counsel appearing for the petitioner 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 petitioner's husband. The petitioner gave representation to the respondents on 04.09.2019. However, the same was not considered by the respondents. Hence, the petitioner has come up with the present Writ Petition.

5.The learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent submitted that if the petitioner is directed to give fresh representation along with the certificate, regularizing the service of the petitioner's husband, the same will be considered.

6.The claim of the petitioner is that 50% of service on temporary service rendered by her husband has to be taken into account for calculating pension payable to her, 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 petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned



directed to submit fresh representation, enclosing all the documents, regularizing the service of the petitioner's husband 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 representation, 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.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary
State of Tamil Nadu,
Forest and Environment (FR-2) Department,
Secretariat, Chennai 600 009
2. The Principal Chief Conservator of Forest,
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4. The District Forest Officer,
Ramanathapuram
5. The Forest Officer
Forest Extension Centre
Paramakudi, Ramanathapuram District.

+1 CC to M/s.K. SEEMARAJ, Advocate (SR-100243[F] dated 21/11/2019)
+1 CC to M/s.Special Govt.Pleader (SR-100564[F] 22/11/2019)
+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-100654[F] 22/11/2019)

W.P. (MD) No24046 of 2019

21.11.2019

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