

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2614 of 2020

E.Kumar

Petitioner

vs.

1. The Government of Tamil Nadu
Represented by its Secretary,
Environment and Forest Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Having Office at Panagal Maligai,
Saidapet, Chennai - 600 015.
3. District Forest Officer,
Chennai Forest Division,
Chennai - 600 006.
4. Forest Circle Officer,
Social Forestry Division,
Mambakkam,
Chengalpet.
5. The Principal Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count half of service rendered by the petitioner as Plot Watcher from 07.05.1983 to 15.03.2008 along with the regular service to till the date of retirement on 30.06.2019 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 5th respondent under old pension scheme to authorize the same with all other consequential benefits.

For Petitioner : Mr.C.Jayaprakash

For Respondents: Mr.K.J.Sivakumar
for R1 to R4

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to count half of the service rendered by the petitioner as a Plot Watcher from 07.05.1983 to 15.03.2008 along with the regular services that was rendered by him till his retirement on 30.06.2019 and determine the qualifying service for the purpose of conferring the pension benefits to the petitioner.

2.The case of the petitioner is that he was serving as a Plot Watcher in the Forest Department from 07.05.1983 to 15.03.2008 on a temporary basis. Thereafter, name of the petitioner was included in the Statewide Seniority List and his service was regularized by the 2nd respondent in the year 2008. Thereafter, the petitioner was working as a Forest Watcher on regular basis and he attained superannuation on 30.06.2019.

3.The claim made by the petitioner is that half of the services rendered by him as a Plot Watcher from 07.05.1983 to 15.03.2008 must be added with his regular service in view of Rule 11(2) of Tami Nadu Pension Rules, 1978. The petitioner is also relying upon the earlier orders that were passed by this Court in W.P.No.11961 of 2015 and W.P.(MD)No.9461 of 2019. The petitioner also submitted a representation in this regard to the respondents on 09.01.2020.

4.Heard Mr.C.Jayaprakash, learned counsel appearing on behalf of the petitioner and Mr.K.J.Sivakumar, learned Government Advocate appearing on behalf of the respondents 1 to 4.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the respondents 1 to 3 to consider the representation made by the petitioner on 09.01.2020 and pass appropriate orders in line with the Tami Nadu Pension Rules, 1978 and the earlier orders passed by this Court, within a period of six weeks from the date of receipt of copy of this order. After the orders are passed, the same shall be forwarded to the 5th respondent to enable the 5th respondent to calculate the pension and extend the benefits to the petitioner.

6.This writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar (C.S.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Environment and Forest Department,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forest,
Having Office at Panagal Maligai,
Saidapet, Chennai - 600 015.
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Mambakkam, Chengalpet.
5. The Principal Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet, Chennai - 600 018.

+1cc to Mr.C.Jayaprakash, Advocate Sr.No.9094
+1cc to The Special Government Pleader (Forest) SR.No.9168

AKM/09.03.2020 /3p-8c/

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