

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.2596 of 2020

K. Arumugam

... Petitioner

-Vs-

1. Government of Tamil Nadu
Rep. by its Secretary,
Environment and Forest Department,
Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of Forest
Office at Panagal Maligai,
Saidapet, Chennai 600 015.
3. The District Forest Officer,
Wild Life Warden,
Megamalai Wild Life Division
Theni.
4. The 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 praying to issue Writ of Mandamus directing the respondents to calculate and pay petitioner's pension from the date of the petitioner's retirement on 31.05.2016 instead of 01.10.2017 in the light of the first respondent proceedings C.No.Pen1/45000/18 dated 15.02.2019 by considering the petitioner's representation dated 10.10.2019 respectively.

For Petitioner : Mr.Chellapandian
for M/s. S. Mani

For Respondents: Mr. K.J. Sivakumar
Additional Government Pleader
for R1 to R3.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to calculate and pay the pension of the petitioner from 31.05.2016, the date of

retirement of the petitioner, instead of 01.10.2017.

2. The case of the petitioner is that he joined as a plot watcher in the year 1983 and his services were regularized as an Forest Watcher in the year 2012. The petitioner retired from service on 31.05.2016. Pursuant to the order passed by this Court in W.P. No.26 of 2016 dated 03.03.2017, the first respondent issued a Government Order and the service of the petitioner was regularized with effect from 24.01.1995.

3. The third respondent sent a proposal for the fixation of pension to the fourth respondent and the fourth respondent fixed the pension for the petitioner from 01.10.2017 instead of 31.05.2016.

4. The grievance of the petitioner is that the pension should have been fixed from the date of retirement and not from the date of issuance of Government Order and a clarification has already been issued in this regard by the second respondent. Therefore, the petitioner made a representation to the respondents to sanction the pension from the date of his retirement. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. Heard Mr.Chellapandian, learned counsel for the petitioner and Mr. K.J. Sivakumar, learned counsel for the respondents.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this Writ Petition, there shall be a direction to the third respondent to consider the representation made by the petitioner on 10.10.2019 and pass appropriate orders in accordance with law and forward the proposal to the fourth respondent, within a period of six(6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the third respondent along with a copy of the representation dated 10.10.2019 and a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

bga

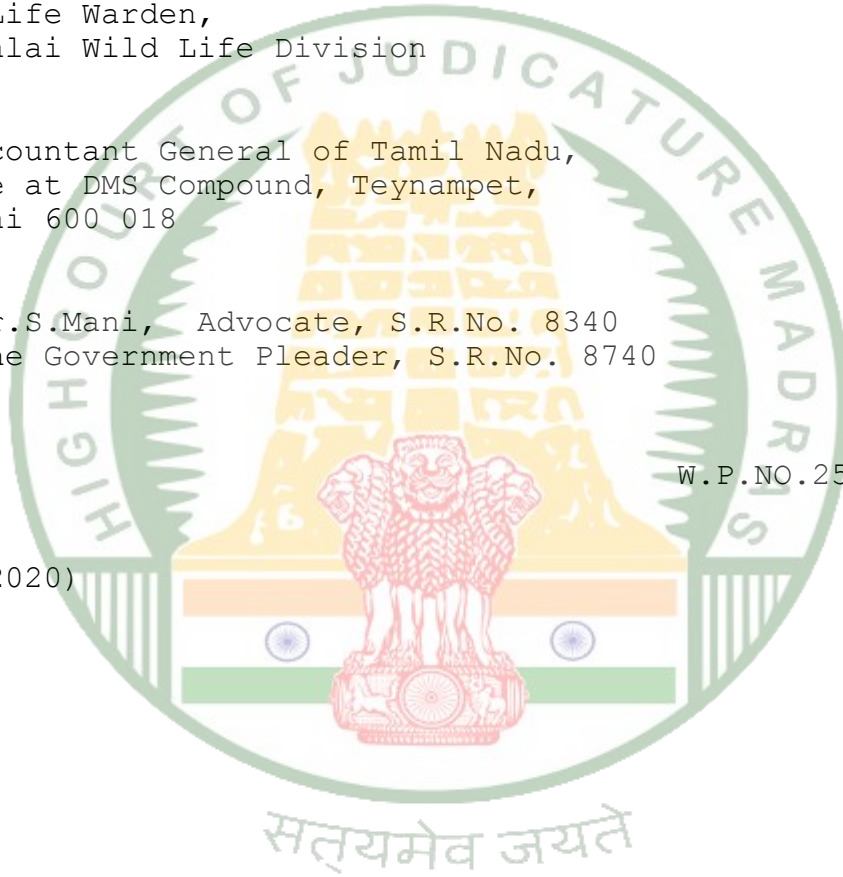
To

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4. The Accountant General of Tamil Nadu,
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+1cc to Mr.S.Mani, Advocate, S.R.No. 8340
+1cc to the Government Pleader, S.R.No. 8740

W.P.NO.2596 of 2020

NRL(CO)
GN(10/03/2020)



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