

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.02.2020
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3549 of 2020

S. Bose

... Petitioner

Vs.

- 1.The 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,
Tanjore Division,
Tanjore.
 - 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 for the issuance of writ of mandamus, directing the respondents to calculate and pay petitioner's pension from the date of the petitioner's retirement on 31.03.2015 instead of 27.09.2017 in the light of 2nd respondent proceedings C.No.Pen1/45000/2018 dated 15.02.2019 by considering the petitioner's representation dated 10.11.2019 respectively.

For Petitioner : Mr. Sellapandian
for Mr. S. Mani

For Respondents: Mr. M. Elumalai,
Government Advocate.

O R D E R

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 31.03.2015, the date of retirement of the petitioner, instead of 27.09.2017.

2. The case of the petitioner is that he joined as a plot watcher in the year 1984 and his services were regularized as an Forest Watcher in the year 2010. The petitioner retired from service on 31.03.2015. Pursuant to the order passed by this Court in W.P. No.3889 of 2014 dated 13.02.2014, 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 27.09.2017 instead of 31.03.2015.

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. Sellapandian, learned counsel for the petitioner and Mr. M. Elumalai, learned Government Advocate 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 10.11.2019 and pass appropriate orders in accordance with law and forward the proposal to the fourth respondent, within a period of six 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 10.11.2019 and a copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamil Nadu,
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.

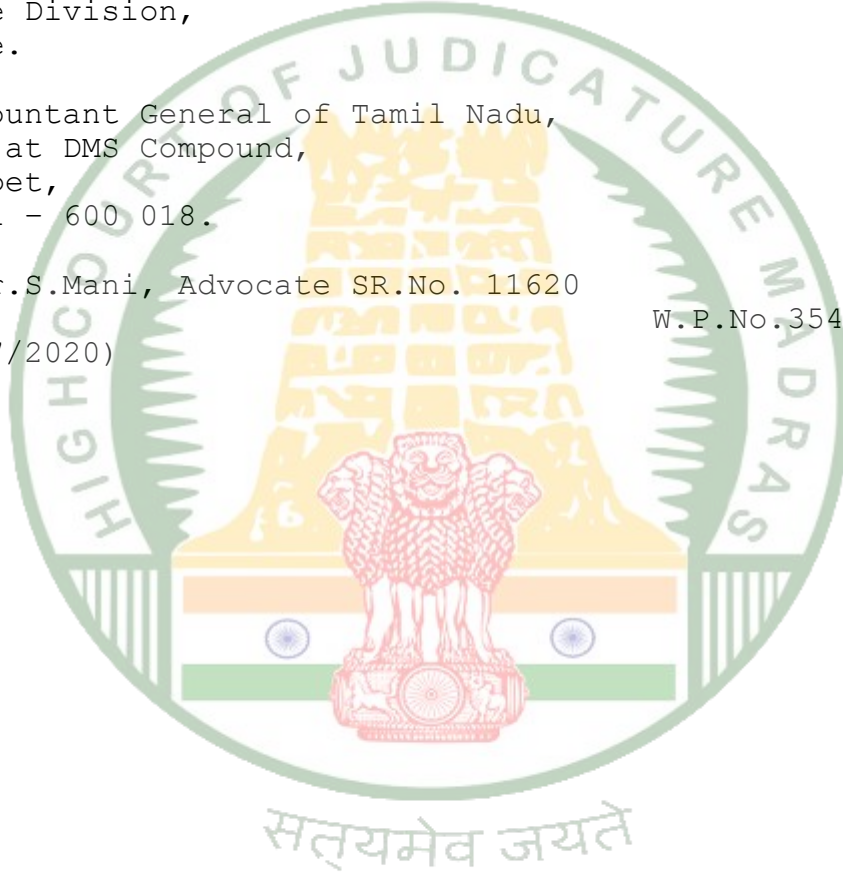
3.The District Forest Officer,
Tanjore Division,
Tanjore.

4.The Accountant General of Tamil Nadu,
Office at DMS Compound,
Teynampet,
Chennai - 600 018.

+1cc to Mr.S.Mani, Advocate SR.No. 11620

W.P.No.3549 of 2020

A.SK(28/07/2020)



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