



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.14727 of 2020

N.Meenambal

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep., by its Secretary to Government,
Environment and Forest Department,
Fort St.George, Chennai 9.
2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet, Chennai-15.
3. The District Forest Officer,
Sivagangai Forest Division,
Sivagangai and District.

4. The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai 18.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 01.10.2020 with regard to count the petitioner's husband service in full as qualifying service by absorbing the Forest Watcher service on completion of ten years notionally from 01.04.1991 to till the date of deaath on 01.01.2010 similar to junior in the light of G.O.Ms.No.22 P @ AR Department dated 28.02.2006 and the order made by the District Educational Officer, Paramakudi in Na.Ka.No.2648/A1/2008 dated 30.04.2012 along with the half of contingencies service paid from 01.04.1981 to 30.03.1991 for the purpose of old pension and to send revised pension proposal to the fourth respondent to authorise the same with all consequential arrear benefits with interest as per the pension rule within time frame by this Court.

For Petitioner	: Mr.I.Kanna Patel
For Respondents	: Mr.R.Murugaraj
	for R1 to R3
	Mr.R.Saravanakumar
	for R4



ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed to issue appropriate direction to the respondents 1 to 3 to dispose of the petitioner's representation dated 01.10.2020, wherein the petitioner has narrated her grievances with regard to count of her husband's service in full as qualifying service by absorbing the Forest Watcher service on completion of ten years notionally from 01.04.1991 to till the date of death on 01.01.2010 similar to junior in the light of G.O.Ms.No.22 P @ AR Department dated 28.02.2006 and other reliefs.

3. The learned counsel for the petitioner would submit that though the petitioner has made a representation on 01.10.2020, no decision has been taken by the respondents till date. Hence, without any other option, the petitioner approached this Court by way of this writ petition.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the petitioner has not furnished any papers to them. Therefore, they are fully handicapped to make any submissions with regard to the disposal of the representation of the petitioner. The petitioner's husband was a retired person and the appropriate authority to dispose of the representation is only the first respondent. He would further submit that as per the law laid down by the Hon'ble Apex Court, the petitioner is not entitled to any relief as sought in the representation.

5. On the other hand, the learned counsel appearing for the petitioner would submit that it is the settled law that the petitioner is entitled for the relief as claimed in the representation. Hence, he prayed to issue appropriate order to dispose of the representation dated 01.10.2020 on merits and in accordance with law.

6. Considering the submissions made by the learned counsel appearing on either side, this Court is of the view that the present issue before this Court is only with regard to the disposal of the representation. This Court is not willing to observe anything about the merits of the case. It is for the respondents to dispose of the representation of the petitioner on merits and in accordance with law. Therefore, this Court do not find any impediment for the respondents particularly the first respondent to pass appropriate orders based on the representation of the petitioner dated 01.10.2020.

7. At this juncture, the learned Government Advocate for the respondents 1 to 3 would submit that along with a copy of this



order, the petitioner shall furnish a copy of the representation to the respondents.

8. In view of the above, this Court directs the first respondent to dispose of the representation dated 01.10.2020 within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law and the petitioner is directed to furnish a copy of a representation dated 01.10.2020, along with a copy of this order, before the first respondent.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St.George, Chennai 9.
2. The Principal Chief Conservator of Forest,
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SS(CO)
CS(19.11.2020) 3P 4C