

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.11.2020

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No. 3306 of 2014**

S.Seetharaman

... Petitioner

Vs.

1. The Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai-9.

2. The Conservator of Forests,
Chennai Circle-259,
Anna Salai, Chennai.

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

4. The Principal Forest Officer,
Panagal Maligai, Saidapet,
Chennai-15.

5. The Forest Officer,
Tirunelveli Region, NGO Colony,
Palayamkottai,
Tirunelveli District-600 007.

6. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai-600 018.

... Respondents

(R4 to R6 are impleaded vide order
dated 19.12.2018 in W.M.P(MD).No.17297/16)

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to count half of the service rendered by the petitioner from 04.05.1983 to 06.08.2009 along with regular service rendered by him in the Forest Department from 07.08.2009 to 30.04.2013 as Gardener, as qualifying service and sent the revised proposals to the 4th respondent and to grant pension with all consequential benefits.

(Prayer amended vide order dated 19.12.2018 in W.M.P(MD).

No. 17231/2016)



For Petitioner : Mr.T.Selvakumaran
For R1 to R5 : Mr.V.Anand
Government Advocate
For R6 : Mr.P.Gunasekaran

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ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to half of the service rendered by the writ petitioner from 04.05.1983 to 06.08.2009 along with regular service rendered by him in the Forest Department as Gardener.

2.The grievance of the writ petitioner is that he was working as a Gardener on temporary basis from 1983 to 2009 and thereafter, he was brought under the regular establishment and retired from service.

3.The learned counsel appearing on behalf of the writ petitioner made a submission that half of the service ought to have been taken into account as qualifying services for the purpose of grant of pension and pensionary benefits, as per the amended Rule of Section 11 of the Tamil Nadu Pension Rules. In this regard, the Hon'ble Full Bench of this Court also delivered a judgment and directed the authorities to decide the issues based on the directions granted and Rule 10(a)(i) of the Tamil Nadu State Subordinate Service Rules, stipulates the service condition for counting the service rendered on 'temporary basis'.

4.Thus, the case of the writ petitioner is to be considered in the light of the amended Rule 11 of the Tamil Nadu Pension Rules and the judgment of the Full Bench of this Court delivered on 03.12.2019 in W.A.No.158 etc., of 2016. In this regard, the petitioner is permitted to submit a detailed representation setting out the facts and circumstances along with the documents, within a period of four weeks from the date of receipt of a copy of this order. On receipt of any such representation from the writ petitioner, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks thereafter.

5.With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai-9.
2. The Conservator of Forests,
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Anna Salai,
Chennai.
3. The District Forest Officer,
Tuticorin Division,
Tuticorin.
4. The Principal Forest Officer,
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Chennai-15.
5. The Forest Officer,
Tirunelveli Region, NGO Colony,
Palayamkottai,
Tirunelveli District-600 007.
6. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Office at Teynampet, Chennai-600 018.

+1 CC to Mr.T. SELVAKUMARAN, Advocate SR-21034.
+1 CC to the SPL GP SR-21117.

W.P. (MD) No.3306 of 2014
03.11.2020

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