

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2096 of 2021

S.Arulananthan

..Petitioner

Vs.

1.The Accountant General (A&E) Tamil Nadu
having office at DMS Compound
Teynampet, Chennai - 600 018

2.The District Forest Officer
Dharmapuri District

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to sanction and disburse revised pensionary benefits to the petitioner from the date of his retirement viz., 31.10.2008 instead of disbursing it from the date of issuance of Government Letter No.8496/FR2(ii)/2018-3 dated 27.09.2018 by considering his representation dated 13.07.2020 and to pass orders thereof within the time that may be specified by this Hon'ble Court.

For Petitioner : Mr.T.Sellapandian

For R1 and R2 : Mr.M.Elumalai

Additional Government Pleader

O R D E R

The petitioner has come forward with this writ petition for a mandamus, directing the first respondent to sanction and disburse revised pensionary benefits to the petitioner from the date of his retirement viz., 31.10.2008 instead of disbursing it from the date of issuance of Government Letter No.8496/FR2(ii)/2018-3 dated 27.09.2018 by considering his representation dated 13.07.2020 and to pass orders thereof within the time that may be specified by this Hon'ble Court.

2. The case of the petitioner is that on 01.02.1980, he joined as Plot Watcher in the Forest Department, on daily wage basis. After rendering 23 years of painful service on daily wage basis, his service was regularised in the post of Forest Watcher

on 07.03.2003. He retired from service on 31.10.2008 on attaining the age of superannuation. After his retirement, he came to know that some of his juniors have got their service regularised with effect from 24.01.1995, but the said benefit was not extended to him. Hence he has filed a writ petition in W.P. No.4029 of 2018 for a direction to the respondents to regularise his service from 24.1.1995, the date on which his Junior Venkatachalam got his service regularised. This court, by order dated 02.03.2018, allowed the writ petition and directed the respondents therein to regularise the service of the petitioner with effect from 24.01.1995, however, without monetary benefit.

3. It is the further case of the petitioner that, on 27.09.2018, obeying the order of this court, the Government had issued an order in Letter No.8496/FR2(ii)/2018-3 dated 27.09.2018, Environment and Forest Department to disburse the revised pensionary benefits. By misconstruing the aforesaid Government Order dated 27.09.2018 and the order dated 02.03.2018 passed in W.P. No.4029 of 2018, the first respondent disbursed the revised pensionary benefits from 27.09.2018 the date on which the Government Letter was passed, instead of disbursing it from the date of retirement of the petitioner on 31.10.2008. Hence, petitioner has submitted a representation to the District Forest Officer, Dharmapuri District, on 13.07.2020, to disburse the revised pension from the date of his retirement, viz. 31.10.2008 instead of restricting it from 27.09.2018, the date on which the Government issued the letter. As there was no response, the petitioner has knocked at the doors of this court, to redress his grievance.

4. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

5. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 13.07.2020, by affording an opportunity of hearing to him, within a period of two months from the date of receipt of a copy of this order.

6. The petitioner shall furnish his/her phone number, email ID, if any, etc., along with a copy of the representation dated 13.07.2020 and this order, to the second respondent forthwith. The second respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the

specified period. In case the authority concerned fail to send communication to the petitioner, he/she will have to face the civil imprisonment in case of contempt proceedings and, if he/she is unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the petitioner, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Accountant General (A&E) Tamil Nadu
having office at DMS Compound
Teynampet, Chennai - 600 018

2.The District Forest Officer
Dharmapuri District

+1cc to M/s.S.Mani, Advocate, S.R.No.6884

+1cc to Special Government Pleader, S.R.No.6861

W.P.No.2096 of 2021

PL(CO)

KKV/17/03/2021

सत्यमेव जयते

WEB COPY