

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33286 of 2014

D.Mohan

...

Petitioner

Vs

1.The Principal Chief Conservator of Forest
Office of Chief Conservator of Forest
Saidapet, Panagal Maligai,
Jones Road,
Chennai 600 015.

2.The District Forest Officer
Dindigul Range
Office of District Forest Office,
Dindigul.

...

Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay salary for the period from 06.02.1992 to 10.02.1996 by treating the said period as deemed to be in service in view of the setting aside of the punishment order issued by the 1st Respondent vide proceedings No.E2/25451/92, dated 29.12.1995 and to reassess the retirement benefits accordingly and pay arrears with accrued interest within stipulated period.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.B.Prabhu
Additional Government Pleader(F)

ORDER

The prayer made in this writ petition is to direct the respondents to pay salary for the period from 06.02.1992 to 10.02.1996 by treating the same as deemed to be in service in view of the setting aside the order of punishment vide the proceedings of the first respondent in No.E2/25451/92, dated 29.12.1995 and to reassess the retirement benefits and pay arrears with accrued interest within a stipulated time that may be fixed by this Court.

2. It is the case of the petitioner that the petitioner was appointed as Watcher in the Tamil Nadu Forest Service on 04.04.1985. While he was in service, he was subjected to disciplinary proceedings, which ended in punishment of removal from service vide order dated 08.10.1992. Challenging the same, he preferred an appeal before the Chief Conservator of Forest, Trichy Circle, who set aside the order of punishment, vide proceedings dated 29.12.1995. Subsequently, the petitioner was promoted as Forest Guard and also upgraded as Special Grade Forest Guard and ultimately, retired from service on 29.06.2013. It is the grievance of the petitioner that his terminal benefits have been wrongly calculated, due to which, he received lesser amount. Hence, he made a representation dated 26.09.2014 to the first respondents, a copy of which was addressed to the second respondent, requesting to treat the suspension period from 06.02.1992 to 01.02.1996 as duty period and continuity of service and recalculate the pension and pay arrears with interest. Finding no response on the said representation, he has come forward with this writ petition for the aforesaid relief.

3. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that the petitioner would be satisfied, if the representation of the petitioner is directed to be considered by the first respondent, within a time frame to be stipulated by this Court, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

4. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondents to consider the representation dated 26.09.2014 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msv

To

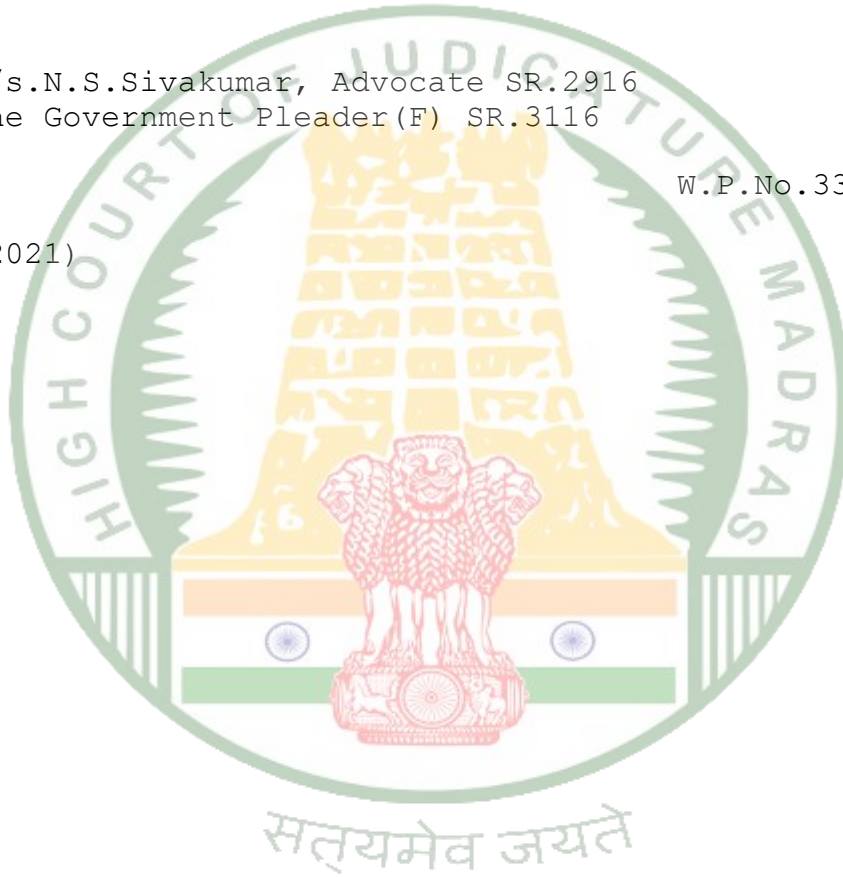
1.The Principal Chief Conservator of Forest
Office of Chief Conservator of Forest
Saidapet, Panagal Maligai,
Jones Road,
Chennai 600 015.

2.The District Forest Officer
Dindigul Range
Office of District Forest Office,
Dindigul.

+1cc to M/s.N.S.Sivakumar, Advocate SR.2916
+1cc to the Government Pleader(F) SR.3116

W.P.No.33286 of 2014

SKY (CO)
CB(22/03/2021)



WEB COPY