



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.6318 of 2017

and

W.M.P (MD)No.9151 of 2017

G.Saroja

... Petitioner

Vs.

1.The Secretary to Government,
Personnel & Administration Reforms Department,
Fort St. George,
Chennai-600 009.

2.The Principal Chief Conservator of Forest,
Panagal Maaligai
Saidapet,
Chennai-600 006.

3.The Chief Conservator of Forests,
(Development)
259 Anna salai
Chennai.

4.The District Forest Officer,
Pudukottai Region,
Machuvaadi Post,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to treat the illegal termination period of the petitioner from 03.12.1984 to 18.05.1990 as duty period and to fix the pay of the petitioner notionally for the said period as per the order made in W.P.No.22745 of 2006 (T), dated 10.01.2008 and writ appeal No.2091 of 2020, dated 21.03.2011 and calculate the total service of the petitioner from 25.06.1982 to 30.04.2015 (33 years of service) and give promotion notionally to the post of Steno-Typist Grade II and Steno-Typist Grade I as completion of every 10 years from her date of initial appointment and confer all monetary benefits and disburse the same within stipulated time as fixed by this Court.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.D.Muruganandham

Additional Government Pleader



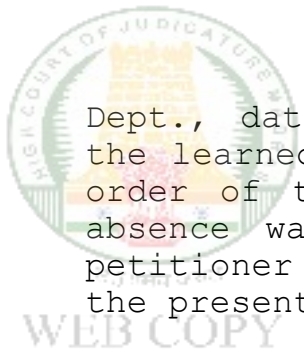
ORDER

This writ petition is filed by the petitioner for a direction to direct the respondents 1 to 5 to treat the illegal termination period of the petitioner from 03.12.1984 to 18.05.1990 as duty period and to fix the pay of the petitioner notionally for the said period, as per the order made in W.P.No.22745 of 2006 (T), dated 10.01.2008 and writ appeal No.2091 of 2020, dated 21.03.2011 and calculate the total service of the petitioner from 25.06.1982 to 30.04.2015 (33 years of service) and give promotion notionally to the post of Steno-Typist Grade II and Steno-Typist Grade I, as completion of every 10 years from her date of initial appointment and confer all monetary benefits and disburse the same.

2.The case of the petitioner is that she was appointed as Steno-Typist in the Divisional Forest Office, Pudukkottai, on 07.04.1982, through employment exchange, on temporary basis. On 03.02.1984, the petitioner was terminated from service on the ground that he was not possessed the required qualification for the post of Steno-typist as per the recommendation of the Tamil Nadu Public Service Commission. Thereafter, the petitioner was called upon to re-join the service on 20.01.1990 and thereafter her service was regularised with effect from 25.06.1984. However, the petitioner's service period from 03.12.1984 to 15.05.1990 was treated as non-duty period. Therefore, the petitioner has made a request to the respondents to treat the said period as duty period. Since the respondents have not considered the petitioner's request, he has filed O.A.No.5921 of 1994 before the Tribunal and subsequently, it was transferred and re-numbered as W.P.No.22745 of 2006. This Court has allowed the said writ petition on 10.01.2008, with a direction to direct the respondents therein to treat the period from 03.12.1984 to 19.05.1990 as duty period and to fix the pay of the petitioner notionally for the said period. Against which, the respondents have filed an appeal in W.ANo.2091 of 2010 and the same was dismissed on 21.03.2011. Even thereafter the monetary benefits were not settled and promotion was not given to the petitioner. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that though this Court issued a direction to treat the period from 03.12.1984 to 19.05.1990 as duty period for the purpose of service benefits, that order was not complied with by the respondents. Hence, this Court may issue a direction to the respondents to implement the order in letter and spirit.

4.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that after obtaining concurrence from the Tamil Nadu Public Service Commission, the District Forest Officer has terminated the petitioner from service because of non possessing certain requisite qualification, which was



Dept., dated 22.09.1984, the petitioner was reappointed. Further, the learned Additional Government Pleader submitted that as per the order of this Court dated 10.01.2008, the petitioner's period of absence was treated as duty and notional pay was given to the petitioner for the said period. Hence, he prays for dismissal of the present writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was entered into service in the year 1982. However, for lack of qualification, the petitioner was terminated from service in the year 1984 and thereafter, she was allowed to re-join the service on 20.01.1990. Further, it appears that on an earlier occasion, the petitioner has filed a writ petition in W.P.No.22745 of 2006 seeking to treat the period from 03.12.1984 to 19.05.1990 as duty period and the said writ petition was allowed by this Court. The grievance of the petitioner is that the said order was not implemented. However, a perusal of the counter affidavit reveals that as per the order of this Court, dated 10.01.2008, passed in W.P.No.22745 of 2006, the period of absence was treated as duty period and notional pay was given to the petitioner for the aforesaid period. Hence, the order of this Court had already been implemented by the respondents. It appears that the petitioner was also retired from service in the year 2015 and after a lapse of two years, the petitioner has filed the present writ petition for the aforesaid prayer. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Personnel & Administration Reforms Department,
Fort St. George,
Chennai-600 009.

2. The Principal Chief Conservator of Forest,
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Saidapet,

<https://hcservices.ecourts.gov.in/hcservices> 06.



3.The Chief Conservator of Forests,
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Machuvaadi Post,
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+1 CC to M/s.SPL GP (SR-10896[F] dated 12/03/2021)

W.P. (MD)No.6318 of 2017
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GS (18.06.2021) 4P 6C