



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD) .No.11486 of 2017

K.Chandran

.. Petitioner

Vs.

1.The Managing Director,
Tamilnadu Forest Plantation Corporation(TAFCORN),
Mallatchipuram,
Kambarasampettai,
Trichy-1.

2.The Assistant Provident Fund Commissioner,
(Pension),
Madurai-625 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the first respondent to refix the petitioner's scale of pay and grant revised scale of pay with effect from petitioner's initial date of appointment till the date of the petitioner's retirement and consequently to disburse the monetary benefits arising out of such pay fixation including arrears of pay/pension and other monetary attendant benefits within the time stipulated by this Court.

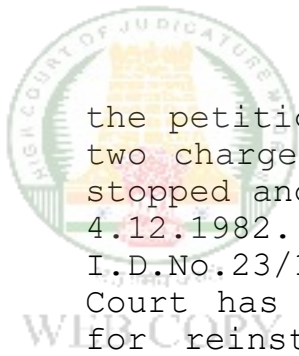
For Petitioner : Mr.R.Suresh Kumar

For Respondents : No appearance

ORDER

This writ petition has been filed for a direction to the first respondent to refix the petitioner's scale of pay and grant revised scale of pay with effect from petitioner's initial date of appointment till the date of the petitioner's retirement and consequently to disburse the monetary benefits arising out of such pay fixation including arrears of pay/pension and other monetary attendant benefits within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner was appointed as a Forest Guard during 1975 by the first respondent and



the petitioner's service was regularised in the year 1977. While so, two charge memos were issued to the petitioner and increments were stopped and thereafter, the petitioner was dismissed from service on 4.12.1982. As against the order of dismissal the petitioner filed I.D.No.23/1996 before the Labour Court, Cuddalore and the Labour Court has set aside the dismissal order on 21.06.2003 and ordered for reinstatement with continuity of service without backwages. Thereafter, he was reinstated into service on 19.11.2004. In the meanwhile, the petitioner was retired from service on 30.1.2010. Before retirement, he was entitled to the next promotional post of Forester, but the same was not given to the petitioner. Hence, the petitioner filed W.P.(MD).No.11096/2006 before this Court. This Court by order, dated 11.4.2007 allowed the writ petition by directing the respondent therein to promote the petitioner as Forester from the date on which his juniors were promoted against which the first respondent herein filed writ appeal in W.A.No.365/2007 and the said appeal was dismissed and the review application in Rev.Appln.No.35/2008, which was filed against the said order, was also dismissed. Thereafter, the petitioner was given notional promotion to the post of Forester with effect from 27.11.2006 to till the date of retirement. The grievance of the petitioner is that the first respondent has not fixed the basic pay from the date of his initial appointment and he has also received lesser pension than his juniors. Hence, the petitioner sent a representation to the first respondent on 21.12.2016 to refix the salary. Since the same was not considered so far, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 21.12.2016 within a reasonable time as fixed by this Court.

4. Though the first respondent filed counter, however, it reveals no order was passed on the petitioner's representation dated 21.12.2016.

5. Heard the learned counsel appearing for the petitioner and perused the materials placed on record.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the first respondent to consider the representation of the petitioner within a reasonable time. Accordingly, this Court directs the first respondent to consider the representation of the petitioner dated 21.12.2016, and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



7. With the above direction, this writ petition is disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Records)

/ /2021

Sub Assistant Registrar(CS)

PJL

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.

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To

1.The Managing Director,
Tamilnadu Forest Plantation Corporation(TAFCORN),
Mallatchipuram,
Kambarasampettai,
Trichy-1.

2.The Assistant Provident Fund Commissioner,
(Pension),
Madurai-625 002.

+1 CC to M/s.R.SURESH KUMAR, Advocate (SR-12041[F] dated 18/03/2021)

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SP (24.05.2021) 3P 4C