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W.P. No.27792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.27792 of 2022

R. Ganesan

...Petitioner

vs.

1. Government of Tamil Nadu,
Rep. By its Secretary,
Environment and Forest Department,
Fort St. George,
Chennai – 600 009.

2. The Principle Chief Conservator of Forest,
Office of the Panagal Maaligai,
Saidapet,
Chennai – 600 015.

3. The District Forest Officer,
Tirunelveli District.

4. The Accountant General (A & E)
Tamil Nadu,

Teynampet,

Chennai – 600 018.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to implement the 1st respondent in Letter No.1148/FR-2/2013-4 /Environment and Forest (FR-2) department, dated 15.05.2013 and 2nd respondent



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proceeding ref. No.LL1/77923/2011, dated 18.06.2013 and send revised pension proposal to the 4th respondent so as to enable to get revised pension with effect from 28.01.1995 instead of 07.07.2007 by consider the representation dated 26.10.2018.

For petitioner : Mr.S. Mani
For respondents : Mr.T. Seenivasan
Spl.Govt. Pleader for R1 to R3
Mr.Vijayshankar for R4

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.T. Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.Vijayshankar, learned counsel accepts notice for the 4th respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 3rd respondent to implement the 1st respondent's Letter No.1148/FR-2/2013-4 /Environment and Forest (FR-2) department, dated 15.05.2013 and 2nd respondent's Proceeding dated 18.06.2013 and send a revised pension proposal to the 4th respondent so as to enable the petitioner to get revised pension with effect from 28.01.1995 instead of 07.07.2007 based on the petitioner's representation dated 26.10.2018, within a time frame to be fixed by this Court.



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4. According to the petitioner, he was regularised as Forest Watcher along with his juniors with effect from 28.01.1995 by the Proceedings dated 18.06.2013 of the 2nd respondent. However, according to him despite the said regularisation, the pension order has not been revised. In such circumstances, he has given a representation on 26.10.2018 to the respondents requesting them to revise the pension order after giving due consideration to the fact that the petitioner has been regularised in service with effect from 28.01.1995 and not on 07.07.2007. Since the representation has not been considered, till date, he has filed this writ petition.

5. Heard Mr.S. Mani, learned counsel for the petitioner, Mr.T.Seenivasan, learned Special Government Pleader for the respondents 1 to 3 and Mr.Vijayshankar, learned counsel for the 4th respondent.

6. At the outset the learned Special Government Pleader appearing for the respondents would submit that no acknowledgement card has been produced by the petitioner for having sent the representation on 26.10.2018 and therefore, he will have to submit a fresh representation.

7. The learned counsel for the petitioner submits on instructions that the petitioner will submit a fresh representation.



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8. No prejudice would be caused to the respondents, if the petitioner is allowed to submit a fresh representation and a direction is issued to the 3rd respondent to pass final orders on the petitioner's representation on merits and in accordance with law.

9. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the 3rd respondent requesting for revision of his pension order by taking into consideration the fact that he has been regularised along with his juniors with effect from 28.01.1995 instead of 07.07.2007, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the 3rd respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

10. With the aforesaid directions, this writ petition is disposed of.

No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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To :

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ABDUL QUDDHOSE, J.

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