



WEB COPY



W.P. No.32670 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.32670 of 2022

M. Rajakani

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. By its Secretary to Government,
Environment and Forest Department,
Fort. St. George,
Chennai – 9.

2. The Principal Chief Conservator of Forest,
Panagal Building,
Saidapet,
Chennai - 15.

3. The District Forest Officer,
Tirunelveli Forest Division,
Tirunelveli District.

4. The Principal Accountant General of Tamil Nadu,
Teynampet,
Chennai – 18.

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus for direction to the respondents 1 to 3 to send pension proposal to the fourth respondent to authorise the same by counting the half of the petitioner temporary service from 01.04.1984 to 01.02.1995 along with the regular service from 02.02.1995 till the date of retirement on 28.02.2022 as qualifying service for the purpose of



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conferment of pension with all consequential benefits.

For Petitioner : Ms.K.Jenitha

For Respondents :Mr.Stalin Abimanyu,
Addl. Govt. Pleader
for R1 to R3
Ms.Hema Murali Krishnan
Standing counsel 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.Stalin Abimanyu, learned Additional Government Pleader accepts notice for the respondents 1 to 3 and Ms.Hema Murali Krishnan, learned Standing counsel accepts notice for the 4th respondent.

3. The grievance of the petitioner in this writ petition is that in view of the benefit of regularisation granted to the petitioner on par with his juniors, pursuant to directions given by this Court on 02.03.2018 in W.P. No.4026 of 2018, 50% of his past service, prior to his regularisation has to be counted for the purpose of calculating pension. The petitioner has been regularised into service on par with his juniors. However, the grievance of the petitioner is that his 50% of his past service prior to his regularisation has not been counted by the respondents for the purpose of



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calculating the pension amount. In such circumstances, the petitioner has given representations on 14.03.2022 and 19.03.2022 requesting the respondents to count 50% of his past service prior to his regularisation and thereafter calculate his total pension amount. Since the representations have not been considered, the petitioner has filed this writ petition.

4. The petitioner has filed Government Orders as well as the decision of this Court, dated 02.03.2018 in W.P. No.4026 of 2018 and other correspondences in support of his claim. It is for the respondents to consider the same on merits and in accordance with law.

5. No prejudice would be caused to the respondents, if the petitioner's representations as stated supra are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the 3rd and 4th respondents to pass final orders on the petitioner's representations, dated 14.03.2022 and 19.03.2022 seeking to count 50% of his past service prior to his regularisation for the purpose of calculating his total pension amount, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. With the aforesaid directions, the writ petition is disposed of.

No costs.

05.12.202

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Index: Yes/No

Speaking Order/Non-Speaking Order
vsi2

To

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ABDUL QUDDHOSE, J.

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