



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.24909 of 2019

M.Indrani

... Petitioner

vs.

1. The Government of Tamil Nadu
rep.by Secretary to Government
Forest and Environment Department
Fort St.George, Chennai-9

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

3. District Forest Officer
District Forest Office
Race Course Road
Madurai, Madurai District

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents from 1 to 3 to count the half of the service rendered by the petitioner's husband as Plot Watcher from 01.04.1981 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.04.2013 as a qualifying service and send the revised pension proposal to the 4th respondent and to further direct the 4th respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner : Mr.G.Chandrasekar

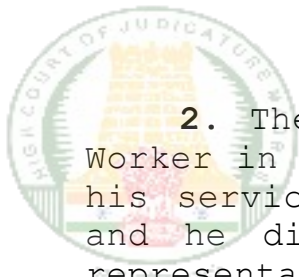
For Respondents : Mr.M.Ramesh,

Government Advocate for R1 to R3

Mr.P.Gunasekaran for R4

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 to count half of the service rendered by the petitioner's husband as Plot Watcher from 01.04.1981 to 06.08.2009 along with the regular service as Plot Watcher from 07.08.2009 to 30.04.2013 as a qualifying service and send the revised pension proposal to the fourth respondent and to direct the fourth respondent to sanction the eligible pension and all other terminal benefits to the petitioner.



2. The petitioner's husband was appointed as Social Forestry Worker in the Forest Department on temporary basis. Subsequently, his services were regularized during 2009 in the sanctioned post and he died on 30.04.2013. Thus, the petitioner submitted a representation for counting 50% of the temporary service rendered by her husband for the purpose of calculating qualifying period for pensionary and terminal benefits.

3. The issues regarding counting of 50% of service with reference to the amended Rule 11(4) of the Tamil Nadu Pension Rules, 1978 were considered by the Full Bench of this Court in the case of **Government of Tamil Nadu and others vs. R.Kaliyamoorthy**, reported in **2019 (6) CTC 705** and the relevant portion of the said decision is extracted hereunder:

"45. In the light of the above, we answer the reference as follows:-

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003

(ii) Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

4. In view of the above decision of the Full Bench and with reference to Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the



case of the petitioner is to be considered and a decision is to be taken by the respondents as expeditiously as possible by taking note of the eligibility and other aspects of the matter by verifying the service records of the petitioner's husband. The respondents are directed to take a decision without causing any undue delay. The petitioner is directed to send a copy of the representation along with other service particulars to the respondents forthwith enabling them to consider the case of the petitioner.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar (CS)

Krk

To:

1. The Secretary to Government,
Forest and Environment Department,
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Fort St.George, Chennai-9.
2. Principal Chief Conservator of Forests,
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3. The District Forest Officer,
District Forest Office,
Race Course Road,
Madurai, Madurai District.
4. The Principal Accountant General of Tamil Nadu
Teynampet, Chennai-18

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-22434[F] dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-22948[F] dated 29/04/2022)

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