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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26946 of 2024

E.Kiliyammal

... Petitioner

Vs.

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

2. The Principal Chief Conservator of Forest and
Head of Forest Force,
Joint Forest Management,
Velachery Main Road,
Guindy, Chennai - 32

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to regularise the petitioner's husband's service after completion of ten years from the date of initial appointment as a plot watcher on daily wages basis for the purpose of getting family pension by considering her representation dated 09.08.2022 in the light of the Hon'ble Supreme Court Judgement delivered in C.A.No.6798 of



2019 dated 02.09.2019 and order in W.P.No.19023 of 2021 dated 09.09.2021 in WP No.21267 of 2021 dated 07.10.2021 and the same was implemented by the 1st respondent in G.O (2D) No.127, Environment, Climate Change and Forest (FR 2ii) Department, dated 03.06.2023 within the time limit fixed by this Court.

For Petitioner : Mrs.K.Jenitha

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to regularize the services of the petitioner's husband from the date of his initial appointment as Plot watcher and to determine the family pension payable to the petitioner by considering the representation made by the petitioner on 09.08.2022 in the light of the orders passed by the Apex Court and the relevant Government Order.

2. Heard Mrs.K.Jenitha, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader for respondents.



3. The case of the petitioner is that her husband joined the services as Plot Watcher on 01.10.1977 at Social Forestry Division, Kallkurichi. His name was also included in the seniority list and as per G.O Ms.No.95, the petitioner's husband was brought under the regular time scale of pay in a supernumerary post. Thereafter, he was appointed as a Forest Watcher in the year 2014. He was also subsequently promoted as Forest guard. The petitioner's husband died on 15.06.2021 while he was in service.

4. The grievance of the petitioner is that the joining date of the petitioner's husband was fixed after 01.04.2003 and whereas, he had joined the services in the year 1999 itself. Therefore, the petitioner made a representation requesting for regularization of the services of her husband from 08.03.1999 and consider the request for payment of family pension. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Taking into consideration the facts and circumstances of the case and also the materials placed before this Court and after going through the



relevant order passed by the Apex Court and the relevant Government Order, there shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 09.08.2022 on its own merits and in accordance with law and in the light of order passed by the Apex Court and the relevant Government Order and a final order shall be passed within a period of six weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

18.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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To

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