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W.P.No.25715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25715 of 2024

M.Subramani

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment, Climate Change and Forests Department,
Fort St. George,
Chennai – 600 009.
 - 2.The Principal Chief Conservator of Forest &
Head of Forest Force,
Joint Forest Management,
Velacherry Main Road,
Guindy, Chennai – 600 032.
 - 3.The District Forest Officer,
Thiruvannamalai Division,
Bakmarpet Polur,
Thiruvannamalai.
 - 4.The Principal Accountant General of Tamil Nadu,
O/o. The Accountant General (A & E),
Teynampet, Chennai – 600 018.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 3rd respondent to fix



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the pay of the petitioner on par with his juniors with effect from 24.10.1995 as per Ref.No.112/4508/2016 dated 09.10.2018 of the 2nd respondent and also to direct the 3rd respondent to send revised pension proposal to the 4th respondent to authorize the same with all consequential benefits with effect from the date of his retirement within a time frame.

For petitioner : Ms.K.Jenitha
For RR 1 to 3 : Mr.K.Suresh
Government Advocate
For R4 : Mrs.G.Vardini Karthik

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 3rd respondent to fix the pay of the petitioner on par with his juniors and to further direct the 3rd respondent to send the revised pension proposal to the 4th respondent to authorize the same with all consequential benefits from the date of retirement of the petitioner.

2.Heard the learned counsel for the petitioner, learned Government Advocate for respondents 1 to 3 and the learned counsel for the 4th respondent.



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3.The case of the petitioner is that he was appointed as a Social Forestry Worker / Plot Watcher in the year 1978. His name was added in the state wise seniority list at Sl.No.205. The petitioner was brought under the regular service in the cadre of Forest Watcher on 09.05.2003. The seniority of the petitioner was not considered and therefore, the petitioner made representation to the 2nd respondent to regularize his service on par with his juniors with effect from 24.01.1995. This request made by the petitioner was not entertained and ultimately, the petitioner reached the age of superannuation and retired from service on 31.10.2014.

4.The further case of the petitioner is that the petitioner was not granted any pension. Hence, the petitioner filed a writ petition before this Court to sanction pension. That apart, the petitioner also sought for regularization on par with his juniors which was pending for a very long time. Ultimately, the writ petition was disposed of by an order dated 02.03.2018 and direction was given to regularize the service of the petitioner on par with his juniors. By way of implementing this order, the 1st respondent issued letter dated 27.09.2018 whereby seniority of the



petitioner was fixed on par with his juniors in the post of Forest Watcher notionally with monetary benefits from the date of issuance of the Government letter. The 2nd respondent through proceedings dated 09.10.2018 directed the 3rd respondent to fix the pay of the petitioner.

5.The grievance of the petitioner is that there was absolutely no response from the 3rd respondent and as a result, the pay of the petitioner in the post of Forest Watcher was not revised on par with his juniors and consequently, the pension proposal was also not able to be processed. It is under these circumstances, the present writ petition has been fixed before this Court.

6.Taking into consideration the facts and circumstances of the case and the order passed in W.P.No.4021 of 2018 and also the proceedings of the 2nd respondent dated 09.10.2018, there shall be a direction to the 3rd respondent to act upon the same and pass necessary orders within a period of six (6) weeks from the date of receipt of a copy of this order. Thereafter, the 3rd respondent shall forward the proposal to the 4th respondent within a period of four (4) weeks thereafter.



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7.The petitioner shall make a fresh representation to the respondents 3 & 4 along with all the relevant documents and also a copy of this order. A copy of the same shall also be marked to the 2nd respondent.

8.This Writ Petition is disposed of with the above directions. No costs.

04.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Environment, Climate Change and Forests Department,
Fort St. George, Chennai – 600 009.

2.The Principal Chief Conservator of Forest &
Head of Forest Force,
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4.The Principal Accountant General of Tamil Nadu,
O/o. The Accountant General (A & E),
Teynampet, Chennai – 600 018.

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