



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.31675 of 2024

G.Masilamani

... Petitioner

Vs.

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

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy – Velachery Main Road,
Guindy, Chennai – 600 032.

3.The District Forest Officer,
Vellore Forest Division,
Vellore – 9,
Vellore District.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai,
Teynampet, Chennai – 600 018.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Plot Watcher/Social Forestry Worker from 01.04.1984 to till 19.01.1995 along with regular service rendered by him as Forest Watcher, Forest Guard and Forester from 20.01.1995 to 30.04.2024 as qualifying service for full pensionary benefits and send the proposal to the 4th respondent for grant full pension with all consequential benefits.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
for R1 to R3
Mrs.J.Sreevidhya
Standing Counsel for R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to count half of the service rendered by the petitioner in the post of Plot Watcher/Social Forestry Worker from 01.04.1984 to 19.01.1995 along with his regular service rendered as Forest Watcher, Forest Guard and Forester from 20.01.1995 to 30.04.2024 as qualifying service for getting full pensionary benefits and to send the proposal to the 4th respondent for extending all attendant benefits.



2.Heard Mr.M.R.Jothimanian, learned counsel appearing on behalf of the petitioner, Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of respondents 1 to 3 and Mrs.J.Sreevidhya, learned Standing Counsel appearing on behalf of the 4th respondent.

3.The case of the petitioner is that he was appointed as a Plot Watcher/Social Forestry on 01.04.1984 in the Forest Department. Thereafter, his name was included in the Statewide Seniority list of Plot Watchers and Social Forestry Workers of the 2nd respondent for regular appointment. Thereafter, the petitioner was appointed and regularized in the post of Forest Watchr with the time scale of pay on 20.01.1995 and appointed as Forest Guard in the year 2003-2004 and further, he was promoted as Forest Guard and Forester.

4.The petitioner retired from service on 30.04.2024 without full pension under the Tamil Nadu Pension Rules. Therefore, he approached this Court for promotion and regularization on par with his juniors. The 1st respondent issued Government Order by regularizing the services of the petitioner from 20.01.1995 and therefore, the petitioner is getting pension as per the Government Order.



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5.The grievance of the petitioner is that half of his service as Plot Watcher from 01.04.1984 to 19.01.1995 has not been calculated and included along with the regular service as contemplated under Rule 11(2) of the Tamil Nadu Pension Rules, 1978. According to the petitioner, if this is done, the petitioner will be entitled to get full pension by calculating his service as Plot Watcher also. The representation made by the petitioner did not evoke any response and hence, the present writ petition has been filed before this Court seeking for appropriate directions.

6.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 16.07.2024 on its own merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of copy of this order. Depending upon the order passed by the 2nd respondent, the same shall be followed up with the 4th respondent.



7.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. A copy of the said representation shall also be marked to the 4th respondent.

8.This writ petition is disposed of with the above directions. No Costs.

23.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Environmental, Climate Change and Forests Department,
Fort St. George,
Secretariat, Chennai – 600 009.

2.The Principal Chief Conservator,
Head of Forest Force,
Guindy – Velachery Main Road,
Guindy, Chennai – 600 032.



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N. ANAND VENKATESH, J.

SSR

3.The District Forest Officer,
Vellore Forest Division,
Vellore – 9,
Vellore District.

4.The Accountant General of Tamil Nadu,
Office of the Accountant General,
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