

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28037 of 2015

R.Sundaram

.. Petitioner

- Vs -

1. The State of Tamilnadu Rep by its
Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai - 9.
2. The State of Tamilnadu Rep. by its
Secretary to Government,
Co-operative, Food and Consumer
Protection Department,
Fort St. George, Chennai - 9.
3. The Registrar of Co-operative Societies,
E.V.R. Salai, Kilpauk, Chennai - 9.
4. The Joint Registrar of Co-operative Societies,
Collectorate, Salem - 1.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first and second respondents to revise the pension correspondingly by taking this to account of 30 years of qualifying service for full pension, basing on the length of service of the petitioner, in the light of orders of the Hon'ble Apex Court delivered in Civil Appeal No.6116 of 2014 dated 08.07.2014 by considering his representation dated 09.03.2015.

For Petitioner	: Mr.V.Ravikkumar
For Respondent 1	: Mr.V.Subbiah
	Special Government Pleader
For Respondents 2 to 4	: Mr.D.Venkadachalam
	Government Advocate (Coop)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as Junior Inspector of Co-operative Societies on 01.05.1958 and got promoted to the post of Senior Inspector of Co-operative Societies in the year 1960 and got

further promotion as Sub-Registrar of Co-operative Societies in the year 1970. According to the petitioner, while he was working in that capacity, he met with an accident and consequently his leg got fractured and therefore he could not walk freely and not even do his routine works and hence offered for voluntary retirement on 01.04.1984. The petitioner would state that while he opted for voluntary retirement in the year 1984, the eligibility for full pension is 33 years of qualifying service and as per the orders of the Government, full pension is 50% of average emoluments, for the last 10 months of service and since he has rendered only 25 years of qualifying service his monthly pension was fixed at Rs.444/-. It is further stated by the petitioner that the qualifying service for full pension was reduced from 33 years to 30 years by the Government vide G.O.Ms.No.461, Finance (Pension) Department, dated 31.07.1996 and All Pensioners Federation, Cheranmadevi had challenged the said G.O. by filing a writ petition in W.P.No.36651 of 2005 and it was dismissed. Challenging the same, writ appeal in W.A.No.789 of 2007 was filed and the same was also dismissed and S.L.P.(C).No.22870 of 2007 was filed before the Hon'ble Supreme Court of India and along with similar other matters, the S.L.P. was also disposed of with certain directions. The petitioner in order to revise his qualifying service for full pension submitted a representation dated 09.03.2015 and since he has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the first respondent and Mr.D.Venkadachalam, learned Government Advocate (Coop.) who accepts notice on behalf of the respondents 2 and 4.

4. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, this Court directs the second and third respondents to consider and dispose of the representation of the petitioner dated 09.03.2015, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

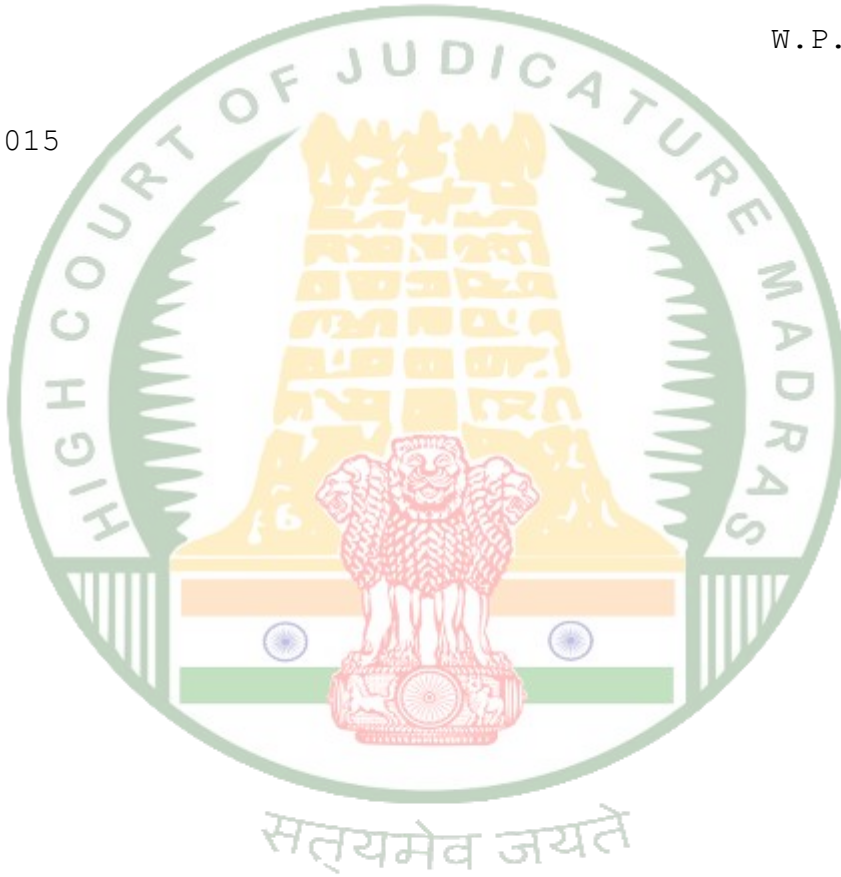
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To

1. The Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai - 9.

2. The Secretary to Government,
Co-operative, Food and Consumer
Protection Department,
Fort St. George, Chennai - 9.
 3. The Registrar of Co-operative Societies,
E.V.R. Salai, Kilpauk, Chennai - 9.
 4. The Joint Registrar of Co-operative Societies,
Collectorate, Salem - 1.
- 1 cc to Mr.V.Ravikumar , Advocate Sr.No.48390
1 cc to Government Pleader.Sr.No.48640

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vd(co)
pmk.6.10.2015



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