

In the High Court of Judicature at Madras

Dated: 15.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.33189 of 2015

Mr.T.Velmurugan

.... Petitioner

Vs.

1. State of Tamil Nadu
rep. by its Secretary,
Finance Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. State of Tamil Nadu
rep. by its Secretary,
Labour and Employment (E1) Department,
Fort St. George, Secretariat,
Chennai - 600 009.
3. State of Tamil Nadu
rep. by its Secretary,
Personnel & Administrative Reforms Department,
Fort St. George, Secretariat,
Chennai - 600 009.
4. The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road, VOC Nagar,
Park Town, Chennai - 600 006.
5. The Accountant General (A&E),
No.361, Anna Salai,
Teynampet, Chennai - 08.

.... Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of Writ of Mandamus directing the
respondent No.1 to re-allor the GPF A/c No.80814/Misc by taking
note of the petitioner's recruitment prior to 01.04.2003 within
the time stipulated by this Court.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.N.Srinivasan, AGP - R1 to R3
Ms.C.N.G.Niraimathi - R4
Mr.V.Vijayashankar - R5

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner was selected by the Tamil Nadu Public Service Commission for Group IV service during the year 1999-2000 based on the main examination held on 06.02.2000. The petitioner was informed that he was allotted to the Revenue Unit, Thiruvannamalai District. When he went and join, he was asked to await for posting order of the District Collector, Thiruvannamalai. Subsequently, he was informed that he could not be posted in the Revenue Department, Thiruvannamalai District due to want of vacancy and re-allotment order would be issued. However, the said order came to be issued only on 24.12.2003 by the third respondent re-allotting the petitioner to the Employment and Training Department (Employment Wing) and gave the posting order dated 16.02.2004. The petitioner joined duty on 23.02.2004 and applied for General Provident Fund Scheme. After a detailed verification, he was asked allotted GPF Account No.80814/Misc, but later on it was discontinued for the reason that he had joined duty only 23.02.2004.

3. The grievance expressed by the petitioner is that since he was selected prior to the cut off date, he is entitled to pension scheme and not under Contributory Pension Scheme. In this regard, the petitioner has submitted a representation dated 04.07.2015 to the respondents and since the same remain unanswered, he came forward to file this Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3, Ms.C.N.G.Niraimathi, learned Standing Counsel accepts notice on behalf of the fourth respondent and Mr.V.Vijayshankar, learned Standing Counsel accepts notice on behalf of the fifth respondent.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of same, directs the first respondent to consider the representation of the petitioner dated 04.07.2015 and pass orders on merits and in accordance

with law within a period of 10 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to the
State of Tamil Nadu
Finance Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Secretary to the
State of Tamil Nadu
Labour and Employment (El) Department,
Fort St. George, Secretariat,
Chennai - 600 009.
3. The Secretary to the
State of Tamil Nadu
Personnel & Administrative Reforms Department,
Fort St. George, Secretariat,
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4. The Secretary,
Tamil Nadu Public Service Commission,
Frazar Bridge Road, VOC Nagar,
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5. The Accountant General (A&E),
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+1 cc to the Government Pleader High Court sr.57559

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