

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.33298 of 2015

- 1.C.Murugesan
- 2.M.Nedunchezian
- 3.N.Vijayaraghavan
- 4.A.Kothandaraman
- 5.P.Inbaraj
- 6.P.Ramachandran
- 7.R.Pandiyan
- 8.D.Jayaseelan
- 9.R.Sampath
- 10.D.Sivanenthram

... Petitioners

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, For St.George, Chennai-8.
2. The Director of Municipal Administration,
Chepauk, Chennai-5.
3. The Commissioner,
Jayakondam Municipality,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider and pass orders on the petitioners representation dated 23.09.2015 regarding cancellation of membership in the newly introduced Contribution Pension Scheme and to bring all the petitioners under Old Pension Scheme and for the refund of subscription made by the petitioners towards New Contributory Pension Scheme in the light of the Judgment of Division Bench in W.P.No.2110 of 2014 dated 19.03.2014 reported in 2014 (2) CTC Page 777 within the time limit prescribed by this Court.

For Petitioners : Mr.A.Baskaran

For Respondents : Mr.S.Gunasekaran,
Government Advocate
for R1 and R2

Mr.V.Subbiah,
Special Government Pleader
for R3

ORDER

By consent this writ petition is taken up for final disposal.

2. The petitioners were initially appointed as Motor Operator/Pipe Fitter/Electrician and Lineman in the Jayankondam Town Panchayat, later on upgraded as Jayankondam Municipality and consequently, all the petitioners were absorbed in the said municipality and the service particulars of the petitioners are as under:

Sl.No.	Name	Recruitment Appointment	Consolidate Appointment	Regularisation
1	C.Murugesan	Motor Operator	11.12.2000	12.12.2003
2	N.Nedunchezian	Motor Operator	11.12.2000	12.12.2003
3	N.Vijayaraghavan	Motor Operator	11.12.2000	12.12.2003
4	A.Kothandaraman	Motor Operator	11.12.2000	12.12.2003
5	P.Inbaraj	Motor Operator	11.12.2000	12.12.2003
6	P.Ramachandran	Motor Operator	11.12.2000	12.12.2003
7	R.Pandiyan	Pipe Fitter	11.12.2000 (Before 10.6.1996 NMR)	12.12.2003

Sl.No.	Name	Recruitment Appointment	Consolidate Appointment	Regularisation
8	D.Jayaseelan	Pipe Fitter	11.12.2000 (Before 9.3.1995 NMR)	12.12.2003
9	R.Sambath	Pipe Fitter	11.12.2000 (Before 31.12.1996 NMR)	12.12.2003
10	D.Sivanenth m	Pipe Fitter	11.12.2000 (Before 31.12.1996 NMR)	12.12.2003

Grievance expressed by the petitioners is that though New Contributory Pension Scheme was introduced vide G.O.Ms.No.259, Finance (Pension) Department dated 6.8.2003 and was implemented as per G.O.Ms.No.430 of the same department dated 6.8.2004, the same is not applicable for the reason that the petitioners were employed on consolidated wages on 11.12.2000 and though they are regularized on 12.12.2003, it should have been done from the date of initial appointment. In this regard, the petitioners submitted a representation dated 23.09.2015 to the second respondent through proper channel and since no order has been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice for the respondents 1 and 2 and Mr.V.Subbiah, learned Special Government Pleader who accepts notice for the third respondent.

4. Though the petitioners have prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the petitioners representation dated 23.09.2015, directs the second respondent to consider and dispose of the petitioners' representation dated 23.09.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Secretary to Government,
Municipal Administration and Water Supply
Department, For St.George, Chennai-8.
2. The Director of Municipal Administration,
Chepauk, Chennai-5.
3. The Commissioner,
Jayakondam Municipality,
Ariyalur District.

+1cc to Mr.A.Baskaran, Advocate, S.R.No.57840
+1cc to the Government Pleader, S.R.No.57519

W.P.No.33298 of 2015

KJI (CO)
CA(29/10/2015)

सत्यमेव जयते

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