IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37156 of 2015

1. A.Santhosaham
2.M.Gopinath
3.S.Ramesh
4.C.Loganathan
5.C.Santhi
6.S.Thiyagu
7.D.Mohan
8.J.Mathuraiveeran
9.V.Anusuya ...
Petitioners

- Vs -

1. The Secretary to Government,
   Municipal Administration and Water
   Supply Department,
   Fort St.George, Chennai-9.

2. The Director of Municipal Administration,
   Chepauk, Chennai-5.

3. The Commissioner,
   Vandavasi Municipality,
   Thiruvannamalai District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 2nd respondent to consider and pass orders on the petitioners representation dated 29.10.2015 regarding cancellation of the petitioners membership in the newly introduced Contribution Pension Scheme and to bring all the petitioners under Old Pension Scheme and to refund the subscription already 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) C.T.C. Page 777 and Judgment of Division Bench in W.P.(MD).No.1026 of 2015 dated 30.09.2015 within a time limit to be prescribed by this Court.

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For Petitioner : Mr.A.Baskaran
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

By consent this Writ Petition is taken up for final disposal.

2. According to the petitioners, they were appointed as water service helper/Driver/Turn Cork/ Sanitary workers (through Employment Exchange) in the third respondent/ Municipality in the year 1994, 1995 and 1998 and G.O.(Ms).No.259 Finance (Pension) Department dated 06.08.2003 is applicable only to the persons recruited in the services on or after 01.04.2003.

3. The petitioners would contend that the respondents have deducted the contributions under the Contributory Pension Scheme which is not applicable to the petitioners. Therefore, they have submitted a representation dated 29.10.2015 for cancellation of the petitioners' enrollment in the new contributory pension scheme and to bring all the petitioners under Old Pension scheme and to refund the amount deducted in the new scheme. But, the said representation has not been considered so far. Hence, the petitioners have come forward with this Writ Petition.

4. Heard the submissions of Mr.A.Baskaran learned counsel for the petitioner and Mr.N.Srinivasan learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. The learned counsel for the petitioners would contend that in the Judgment of Division Bench of this Court in Union of India Versus K.Punniyakoti and others reported in 2014 (2) CTC 777 and in the Division Bench Judgment of Madurai Bench of this Court in W.P.(MD)No.1026 of 2015 dated 30.09.2015, it was held that G.O.Ms.No.259 Finance (Pension) Department dated 06.08.2003 is applicable only to persons, who were recruited and appointed on or after 01.04.2003 and it will not apply for persons, who were appointed before 01.04.2003 and regularized on or after 01.04.2003 and therefore the case of the petitioners may be considered in the light of the above said judgments.

6. This Court considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner directs the second respondent to consider the petitioners' representation dated 29.10.2015 and pass orders in the light of the Judgments stated supra within a period of twelve weeks from the date of receipt of a copy of this order.

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This Writ Petition is disposed of accordingly. No costs.

arr

-s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
   Municipal Administration and Water
   Supply Department,
   Fort St.George,
   Chennai-9.

2. The Director of Municipal Administration,
   Chepauk, Chennai-5.

3. The Commissioner,
   Vandavasi Municipality,
   Thiruvannamalai District.

+ 1 cc to M/s.A.Baskaran,Advocate SR 63623

+ 1 cc to Govt.Pleader, High Court, Madras SR 63508

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