

In the High Court of Judicature at Madras

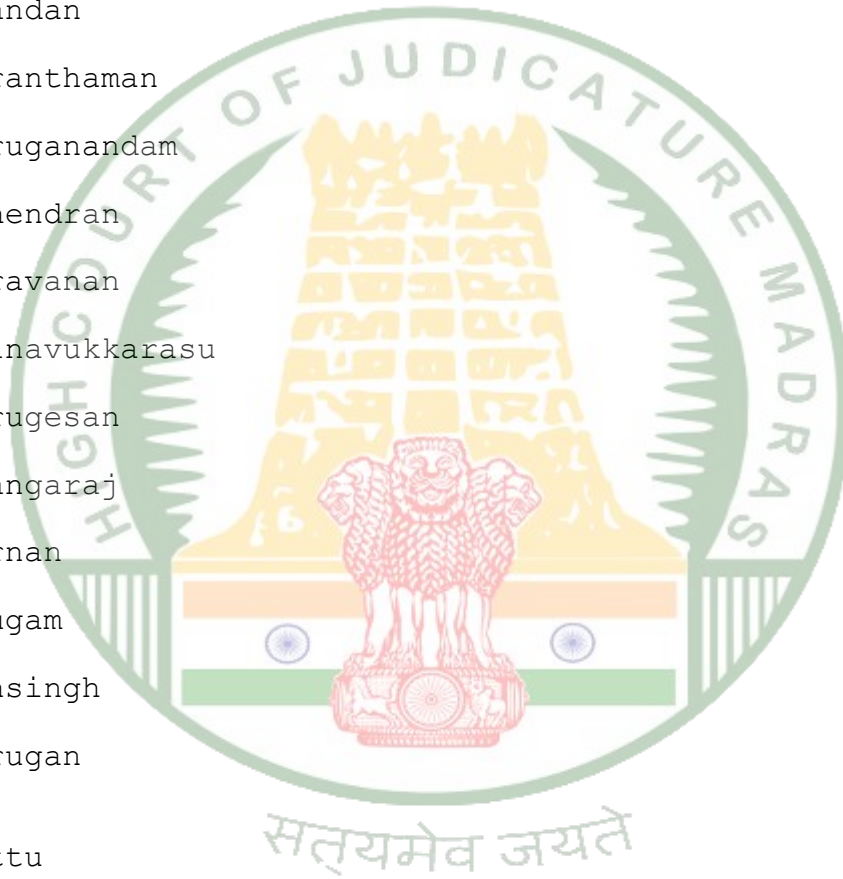
Dated: 12.05.2016

Coram:

The Honourable Mr.Justice M.V.MURALIDARAN

Writ Petition No.17960 of 2016

- 1 C.Gunasekaran
- 2 K.Anandan
- 3 R.Paranthaman
- 4 M.Muruganandam
- 5 S.Mahendran
- 6 S.Saravanan
- 7 K.Thinavukkarasu
- 8 S.Murugesan
- 9 C.Thangaraj
- 10 V.Karnan
- 11 Arumugam
- 12 J.Mansingh
- 13 K.Murugan
- 14 K.Settu
- 15 A.Pitchandi
- 16 R.Karthieyan
- 17 S.Vanjukodi
- 18 S.Radha Krishnan
- 19 V.Sundaramoorthy
- 20 R.Kanthan



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21 C.Ramu
22 S.Arjunan
23 R.Dayalan
24 C.Adam
25 T.Gajendran
26 V.Illayaraja
27 P.Gopalakrishnan
28 Kondaiya
29 P.Ramaiya
30 G.Anbalagan ... PETITIONERS

/Vs/

1 The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
2 The Director of Municipal Administration,
Chepauk, Chennai 600 005.
3 The Commissioner,
Vellore Corporation, Vellore District. ... RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents 2 and 3 to consider the petitioners' representation dated 04.05.2016 and thereby, direct the respondents to bring the petitioners under the old pension scheme and to refund subscription already made by the petitioners towards new pension scheme in the light of the judgment of Hon'ble Division Bench reported in 2014 (2) CTC 777, within stipulated period of time.

For Petitioners .. Mr.G.Selvam

For Respondents 1 to 3 .. Mr.R.Vijayakumar
Additional Government Pleader

ORDER

Mr. R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, the Writ Petition itself is taken up for disposal.

2. According to the petitioners, they were appointed as Sanitary Workers/Sweepers on the consolidated pay in the respondent Corporation in the years 1997 and 1998 and they have been brought under regular time scale of pay by the respondents only in the year 2006. But thereafter, as per the direction of this Court in W.P.Nos.30121 of 2008 and 19808 of 2010 and W.P.No.19808, 20659 of 2010 dated 24.09.2010, , the respondents have to fix the petitioners in regular time scale of pay with effect from 2000 and 2001. Moreover, as the petitioners were joining the service before 31.03.2003, they are entitled to get pension under the old scheme. However, the respondents have deducted the contributions under the new Contributory Pension Scheme, which is not applicable to the petitioners. Therefore, they have submitted a representation dated 04.05.2016 to bring all the petitioners under old pension scheme and refund the subscription already made towards new pension scheme. But, till the date, the respondents have not considered the same. Hence, this petition.

3. Heard both sides.

4. The learned counsel appearing for the petitioners would contend that the Judgment of the Hon'ble Division Bench of this Court in Union of India Vs. K.Punniyakoti and others reported in 2014 (2) CTC 777 and in the Judgement of this Court in A.Santhosaham and others vs. The Secretary to Government, Municipal Administration and Water Supply Department, Fort St. George, Chennai-9 in W.P.No.37156 of 2015 dated 23.11.2015, 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 regularised on or after 01.04.2003 and therefore, the case of the petitioners may be considered in the light of the above said judgements.

5. This Court considering the facts and circumstances of the case and also considering the submissions of the learned counsel appearing for the petitioners, directs respondents 2 and 3 to consider the petitioners' representation dated 04.05.2016 and pass orders, in the light of the judgements stated supra, within a period of three weeks, from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
 - 2 The Director of Municipal Administration,
Chepauk, Chennai 600 005.
 - 3 The Commissioner,
Vellore Corporation, Vellore District.
- +2 ccs to Mr.G.Selvam Advocate sr.28340

Writ Petition No.17960 of 2016

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