

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.05.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.18534 of 2016

1.D.Subramani
S/o. Duraisamy

2.K.Velukumar
S/o. Kannan

3.K.Sadhananthan
S/o. Kuppusamy

4.E.Malligairaj
S/o. Ekambaram

5.S.Mahadevan
S/o. Settu

6.V.Vinayagam
S/o. Velu

7.V.Arul
S/o. Venkatesan

8.T.Iyappan
S/o. Thukkaram

9.R.Kotteswaran
S/o. Ramasamy

.. Petitioners

सतसमेन जयते
Versus

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.

3.The Commissioner,
Vellore Corporation,
Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 04.05.2016 and thereby direct the respondent 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 : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

Mr.P.Sanjay Gandhi, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, the writ petition is taken up for final disposal.

2. This Writ Petition has been filed praying for an issuance of Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 04.05.2016 and thereby direct the respondent 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.

3. It is brought to the notice of this Court that in similar circumstances in Writ Petition No.17960 of 2016 on 12.05.2016, the following order was passed :

"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 judgment 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 or 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 judgment.

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 the respondents 2 and 3 to consider the petitioners' representation dated 04.05.2016 and pass orders, in the light of the judgments stated supra, within a period of three weeks, from the date of receipt of a copy of this order."

3. Following the same, this Writ Petition is also disposed of directing the respondents 2 and 3 to consider the petitioners' representation dated 04.05.2016 and pass orders, in the light of the judgments stated supra in the above extracted portion, within a period of three weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

nv/ds

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.
- 3.The Commissioner,
Vellore Corporation,
Vellore District.

1 cc to M/s. B.Gopalakrishnan, Advocate, sr.28801

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sns co
kra 26.05.2016