

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36251 of 2016

M.N.Mohanavelu

... Petitioner

Vs.

- 1 The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St.George,
Chennai - 09.
- 2 The Director of Medical & Rural Health Services,
DMS Compound,
Teynampet,
Chennai - 600 006. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 09.09.2016 for inclusion of G.P.F Scheme as available prior to 01.04.2003 for the purpose of pension and pensionary benefits under the Tamil Nadu Pension Rules 1978 in the light of G.O.(D) No.1283 Health & Family Welfare (B-2) Department dated 21.11.2013 and to pass orders within a stipulated period of time.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus to direct the first respondent to consider the representation of the petitioner dated 09.09.2016 for inclusion of G.P.F Scheme as available prior to 01.04.2003 for the purpose of pension and pensionary benefits under the Tamil Nadu Pension Rules 1978 in the light of G.O.(D)

No.1283 Health & Family Welfare (B-2) Department dated 21.11.2013 and to pass orders within a stipulated period of time.

3.It is the case of the petitioner that he was appointed as Junior Assistant by the first respondent in G.O.(D).No.500 Health and Family Welfare Department, dated 11.04.2001 and consequent order was issued by the second respondent vide proceedings dated 02.05.2001 made in Ref.No.110/E9/1/2001, but no posting order was issued to him and he was not allowed to join duty by the Subordinate Officers stating that the Government imposed ban for all appointments.

4.The petitioner would further state that the ban was lifted and once again, the Director issued posting order on 22.12.2006 and he joined duty on 27.12.2006 as Junior Assistant and subsequently, he was promoted to the post of Assistant. The petitioner would further state that he was allotted with C.P.F. number under the new pension scheme instead of G.P.F. number under the old pension scheme. Hence, he made a representation dated 09.09.2016 to the first respondent through proper channel, but the same was not considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 09.09.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

7.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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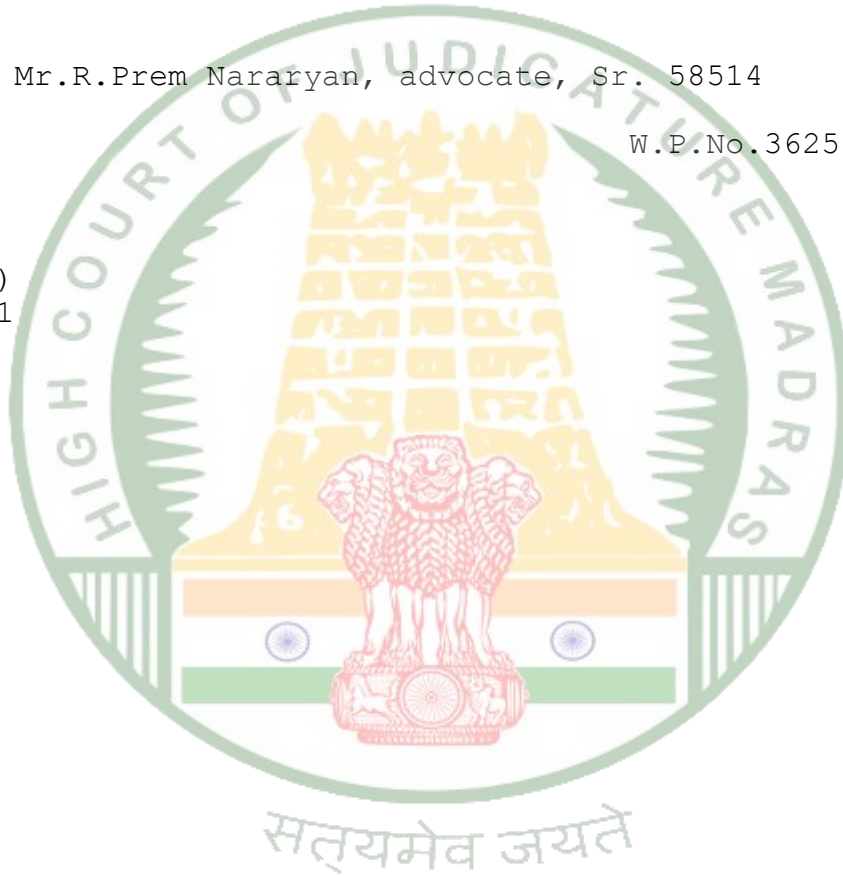
To

- 1 The Principal Secretary to Government,
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Chennai - 09.
- 2 The Director of Medical & Rural Health Services,
DMS Compound,
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1 cc to Mr.R.Prem Nararyan, advocate, Sr. 58514

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