



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.12.2016

C O R A M

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THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.23152 of 2016

- 1.P.Karunakaran
- 2.V.Sekar
- 3.S.Thenmozhi
- 4.D.Emalda
- 5.M.Anjalai
- 6.P.Somasundram
- 7.K.Hemamalini
- 8.A.Punithavalli
- 9.M.Nancy Sukitha
- 10.N.Samijan
- 11.P.Thamilmani
- 12.R.Kousalya
- 13.G.Jagannathan
- 14.V.Subramanian
- 15.M.Thangarathinam
- 16.C.Periyannan
- 17.M.Subramanian
- 18.S.Banumathy
- 19.B.Subramanian
- 20.S.Arokia Yesudoss
- 21.M.Venugopal
- 22.M.Chandrasekaran
- 23.R.Janaki
- 24.S.Muthukumar
- 25.S.Selvaraj
- 26.P.Govindaraj
- 27.D.Shanthi Manjula
- 28.V.T.Periyasamy
- 29.E.Tirupathy

.. Petitioners

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to the Government,
Higher Education Department,
Secretariat, Chennai.
2. The Secretary to Government,
Pay Cell Department.
Secretariat, Chennai.



3. The Bharathidasan University,
Rep by its the Registrar
Palkalaiperur,
Tiruchirappalli - 620 024.

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to implement the resolution of the syndicate bearing No. 2015.119.2 dated 24.07.2015 and to include the name of the petitioners in the old pension scheme and to grant all benefits in pursuance to the same by considering the representation of the petitioner dated 20.06.2014 within a stipulated time that may be fixed by this Hon'ble Court.

For petitioner ... Mr.S.C.Herold Singh
For R1 & R2 ... Mr.T.S.Mohamed Mohideen
Additional Government Pleader
For R3 ... Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the respondents to implement the resolution of the syndicate bearing No.2015.119.2, dated 24.07.2015 and to include the name of the petitioners in the old pension scheme and to grant all benefits in pursuance to the same by considering the representation of the petitioner dated 20.06.2014.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner was originally engaged by the third respondent University on daily wage basis. The wages would be calculated daily and it would be paid monthly. Thereafter, considering the long standing services of the petitioners as well as their sincerity and devotion in duty, the University, has regularised the services of the petitioners on various dates by extending the benefits of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006. All the petitioners had completed more than 10 years of service at various departments in the University.

3.1. As per Rule 11(2) of the Tamil Nadu Pension Rules, the petitioners are entitled to half of the services rendered as daily wage employees for the purpose of granting pension, with certain conditions. The new pension scheme rules should not be made applicable to the petitioners, as they had been working in the



third respondent University long prior to 01.04.2003. So stating the petitioners have made representations on 20.06.2014 and 05.09.2014.

3.2. Though the resolutions have been passed as early as on 24.07.2015 by the third respondent, no effective steps have been taken for the implementation of the same. Hence, the petitioner has filed the present writ petition seeking direction to implement the resolution passed by the University.

4. Under such circumstances, the third respondent is directed to implement the resolution of the University and also to consider the representation of the petitioner, dated 20.06.2014 with regard to inclusion of the name of the petitioners in the old pension scheme, and to pass orders within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,
State of Tamil Nadu
Higher Education Department,
Secretariat, Chennai.
2. The Secretary to Government,
Finance and pay Cell Department.
Secretariat,
Chennai.
3. The Bharathidasan University,
Rep by its the Registrar
Palkalaiperur
Tiruchirappalli - 620 024.

+ 1 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 74960
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79021

RJ2

<https://hccs.cemcours.gov.in/hccs-service> 20/10/2017 : 3P/6C

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