

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No. 11263 of 2015
and
M.P.Nos. 1 of 2015

1. M.Elumalai
2. K.Subbarayan
3. P.Panchavarnam
4. P.Thillaikarasi
5. G.V.Ramamurthy Petitioners

Vs.

1. State of Tamilnadu
Rep by the Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat, Chennai - 600 009.
2. The Secretary to Government,
Finance Department, Secretariat,
Chennai - 600 009.
3. The Principal Commissioner,
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai - 5.
4. The Director of School Education,
College Road, Chennai - 6.
5. The Commissioner of Commercial Taxes,
Chepauk, Chennai - 5.
6. The Commissioner /Director of Treasuries
& Accounts,
Saidapet, Chennai - 15. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count the service of the petitioners atleast with effect from the date of Hon'ble Supreme Court order reported in AIR 1999 SC 3825 Government of Tamilnadu Vs. G.Mohammed Ammenudeen, dated 28.9.99 or the order of Government of Tamilnadu in G.O.Ms.No.30,

P & AR Department dated 16.02.2000 and G.O.Ms.No.209, P& AR Department, dated 23.11.2001 atleast for the purpose of Pensionary Benefits under the Old Pension Scheme in pursuance of the Tamilnadu Pension Rules and consequently pass all retirement benefits on the retirement of the petitioners.

For Petitioners : Mr.R.Singaravelan
Senior Counsel
for M/s.M.Srividhya

For Respondents : Mr.K.Dhananjayan
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to count the service of the petitioners atleast with effect from the date of Hon'ble Supreme Court order reported in AIR 1999 SC 3825 Government of Tamilnadu Vs. G.Mohammed Ammenudeen, dated 28.9.99 or the order of Government of Tamilnadu in G.O.Ms.No.30, P & AR Department dated 16.02.2000 and G.O.Ms.No.209, P& AR Department, dated 23.11.2001 atleast for the purpose of Pensionary Benefits under the Old Pension Scheme in pursuance of the Tamilnadu Pension Rules and consequently pass all retirement benefits on the retirement of the petitioners.

2. The learned Senior counsel appearing on behalf of the writ petitioners contended that though the relief was granted to the writ petitioners for permanent absorption only in the year 2004, due to the delay on the part of the respondents in implementing the order of the Hon'ble Apex Court, dated 28.09.1999, the petitioners should not be deprived of for old pension under the Tamilnadu Pension Rules. In this regard they have submitted representations citing all these factual circumstances to the respondents and no final decision is taken by the respondents in this regard.

3. Thus, without going into the merits and demerits of the matter, the first respondent is directed to consider the representations submitted by the writ petitioners on 20.12.2014 and 30.03.2015, by taking note of the Judgment and the Government orders and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. Writ petitioners are directed to enclose a copy of the representations along with all other relevant documents and a copy of the order passed in this writ petition.

4. With this direction, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

may a

To

1. The Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat, Chennai - 600 009.
2. The Secretary to Government,
Finance Department, Secretariat,
Chennai - 600 009.
3. The Principal Commissioner,
Commissioner for Revenue Administration,
Ezhilagam, Chepauk, Chennai - 5.
4. The Director of School Education,
College Road, Chennai - 6.
5. The Commissioner of Commercial Taxes,
Chepauk, Chennai - 5.
6. The Commissioner /Director of Treasuries
& Accounts,
Saidapet, Chennai - 15.

+1cc to M/S.M.Srividhya, Advocate Sr. 58010
+1cc to the Government Pleader Sr. 58175

W.P. No.11263 of 2015

SK(CO)
VR(08/09/2017)