

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.1197 of 2015
and
M.P.Nos.1 and 2 of 2015

1.G.R.Shridharan
2.T.Dhandayuthapani
3.G.Kalavathi
4.T.Balu
5.J.Sivakumar
6.K.Muralidharan
7.R.Kanchanamala
8.S.Srinivasan
9.V.Kumar
10.M.Eswaran
11.D.Suresh Ravi
12.S.Nagaraji

... Petitioners

Vs.

1. State of Tamilnadu Rep. by
the Secretary to Govt.,
Personnel & Administrative
Reforms Department
Secretariat, Chennai - 9.
2. The Secretary to Govt.,
Finance Department
Secretariat, Chennai - 9.
3. The Principal Commissioner &
Commissioner for Revenue Administration
Ezilagam, 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

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of 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, Govt., of Tamilnadu Vs. G.Mohammed Ammenudeen, dated 28.9.99 or the order of Govt., of Tamilnadu in G.O.Ms.No.30, P&AR Dept., dated 16.2.2000 and G.O.Ms.No.209, P&AR Dept., dated 23.11.01 atleast for the purpose of pensionary benefits under the old pension scheme in pursuance of the Tamilnadu Pension Rules and consequently pass all the retirement benefits on the retirement of the petitioners.

For Petitioners : Mr.R.Singaravelan
Senior Counsel for
Mrs.M.Srividya

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 writ petitioners at least with effect from the date of the Hon'ble Supreme Court order reported in AIR 1999 SC 3825, in the case of Govt., of Tamilnadu Vs. G.Mohammed Ammenudeen, dated 28.9.99 or the order of Govt., of Tamilnadu in G.O.Ms.No.30, P&AR Dept., dated 16.2.2000 and G.O.Ms.No.209, P&AR Dept., dated 23.11.01 atleast for the purpose of pensionary benefits under the old pension scheme in pursuance of the Tamilnadu Pension Rules .

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 authorities in implementing the order of the Hon'ble Apex Court, dated 28.09.1999, the service benefits are denied. Because of the delay, the petitioners should not be deprived 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 14.08.2014 and 29.12.2014, by taking note of the Judgment and the

Government orders and pass final 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 copy of the order passed in this writ petition. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Govt.,
The State of Tamilnadu
Personnel & Administrative
Reforms Department
Secretariat, Chennai - 9.
2. The Secretary to Govt.,
Finance Department
Secretariat, Chennai - 9.
3. The Principal Commissioner &
Commissioner for Revenue Administration
Ezilagam
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 Mrs.M.Srividya, Advocate, S.R.No.56135

+1cc to the Government Pleader, S.R.No.56227

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CS V
CA(11/09/2017)