

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.11.2017

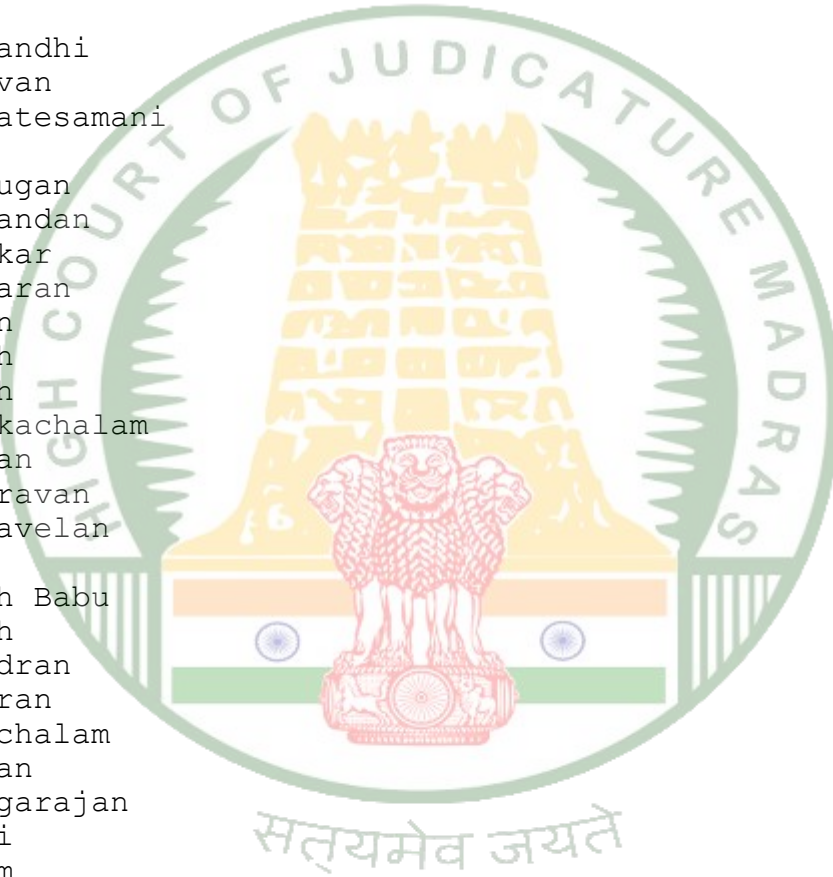
CORAM

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

W.P.No.12194 of 2015 and

MP.No.1of 2015

- 1.G.Babu
- 2.V.Selvagandhi
- 3.R.Elangovan
- 4.S.S.Venkatesamani
- 5.K.Sankar
- 6.Arul Murugan
- 7.K.Neelakandan
- 8.S.Jaisankar
- 9.M.Dhinakaran
- 10.G.Kannan
- 11.K.Suresh
- 12.N.Ganesh
- 13.S.Thanikachalam
- 14.M.Murugan
- 15.S.Kathiravan
- 16.A.Kumaravelan
- 17.M.Durai
- 18.R.Suresh Babu
- 19.R.Ramesh
- 20.S.Nagendran
- 21.K.Sankaran
- 22.E.Arunachalam
- 23.K.Murugan
- 24.R.Thiyagarajan
- 25.P.K.Ravi
- 26.M.Selvam
- 27.L.Annamalai
- 28.N.R.Anbarasu
- 29.K.Srividya
- 30.T.Sankaranaraynan
- 31.T.Jaya
- 32.J.Chandrasekar
- 33.M.Rokini
- 34.K.Selvi



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.. Petitioner

vs

- 1.The Secretary to Government,
Personnel and Administrative Department,
Secretariat, Chennai.
 - 2.The Secretary to Government,
Finance Department,
Secretariat, Chennai-9.
 - 3.The Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
 - 4.The Principal Commissioner &
Commissioner for Revenue Administration,
Ezilagam, Chempauk, Chennai-5.
 - 5.The Director of School Education,
College Road, Chennai.
 - 6.The Commissioner of Commercial Taxes,
Chempauk, Chennai-5.
 - 7.The Commissioner / Director of Treasuries
& Accounts,
Saidapet, Chennai-15.
 - 8.The Secretary to Government,
Planning Department,
Secretariat, Chennai.
 - 9.The Principal Accountant General,
Tamil Nadu,
O/o.The Principal Accountant General (A&E),
Chennai, Tamil Nadu.
- .. Respondents

R8 & R9 are impleaded as per order
dated 16.11.2017 in MP.Nos.2&3/15

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to count the service of the petitioner at par with the judgment dated 23.11.2001 passed by the Honble Supreme Court in Government of Tamil Nadu-vs-G.Mohammed Ammendudeen and G.O.Ms.No.209.P&Ar dept., dated 23.11.2001 for the determination of pensionary benefits under the old pension scheme in accordance with Tamil Nadu Pension Rules and consequently pass all the retirement benefits on the retirement of the petitioners.

For Petitioners: Mr.P.G.Thiyagu
For Respondents: Mr.R.Thangapandi, GA for R1 to R8
No appearance for R9

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 at par with the judgment dated 23.11.2001 passed by the Hon'ble Supreme Court in the case of Government of Tamil Nadu-vs-G.Mohammed Ammendudeen and G.O.Ms.No.209.P&Ar dept., dated 23.11.2001 for the determination of pensionary benefits under the old pension scheme in accordance with Tamil Nadu Pension Rules.

2. The learned counsel appearing for the writ petitioners states that the services of the petitioners were regularized and they were permanently absorbed in the post only in the year 2004 and on account of long delay on the part of authorities in implementing the order of the Hon'ble Apex Court dated 28.09.1999, the service benefits of the petitioners were denied. On account of the administrative delay, the petitioners should not be deprived of the benefit of old pension scheme under the Tamil Nadu Pension Rules. In this regard, the petitioners have been submitted their representations citing all these factual circumstances to the respondents and their representations are yet to be considered by the respondents.

3. Thus, without going into the merits of the matter, the 1st respondent is directed to consider the representations submitted by the writ petitioners on 01.04.2015, 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 twelve weeks from the date of receipt of a copy of this order and the writ petitioners are directed to enclose a copy of the representation along with all other relevant documents and copy of the order passed in this writ petition.

4. Accordingly, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Personnel and Administrative Department,
Secretariat, Chennai.
- 2.The Secretary to Government,
Finance Department,
Secretariat, Chennai-9.
- 3.The Secretary to Government,
Transport Department,
Secretariat, Chennai-9.
- 4.The Principal Commissioner &
Commissioner for Revenue Administration,
Ezilagam, Chempauk, Chennai-5.
- 5.The Director of School Education,
College Road, Chennai.
- 6.The Commissioner of Commercial Taxes,
Chempauk, Chennai-5.
- 7.The Commissioner / Director of Treasuries
& Accounts,
Saidapet, Chennai-15.
- 8.The Secretary to Government,
Planning Department,
Secretariat, Chennai.
- 9.The Principal Accountant General,
Tamil Nadu,
O/o.The Principal Accountant General (A&E),
Chennai, Tamil Nadu.

+1cc to the Government Pleader, S.R.No. 84348
+1cc to Mr.PG.THIYAGU Advocate, S.R.No. 83864

GMR(CO)
TR(15/12/2017)

W.P.No.12194 of 2015

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