

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

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THE HONOURABLE MR.JUSTICE T. RAJA

W.P.Nos.11849 to 11851 of 2017

1. N.Arputham ... Petitioner in W.P.11849 of 2017
2. E.Pushparaj ... Petitioner in W.P.11850 of 2017
3. E.Chandran ... Petitioner in W.P.11851 of 2017

Vs.

1. The Govt.of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration &
Water Supply Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner,
Municipal Administration &
Water Supply Department,
Chepauk, Chennai - 600 005.
 3. The Commissioner,
Thiruverkadu Municipality,
Chennai - 600 077.
 4. The Director,
Local Fund Audit,
Kuralagam Buildings,
Chennai - 600 108
- ... Respondents

Petitions filed under Article 226 of The Constitution of India, praying for the issuance of Writ of Mandamus to direct the respondents 3 and 4 to consider and dispose of the petitioners' representations dated 27.09.2016, 27.08.2016 & 27.08.2016 respectively and sanction pension to the petitioners with arrears of pension within a time frame.

For Petitioners : Mr.K.M.Ramesh

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

COMMON ORDER

Writ Petitions have been filed praying for the issuance of Mandamus to direct the respondents 3 and 4 to consider and dispose of the petitioners' representations dated 27.09.2016, 27.08.2016 & 27.08.2016 respectively and sanction pension to the petitioners with arrears of pension within a time frame.

2.The petitioners, have joined in the year 1990 as casual workers viz., Operator/Watchman in the third respondent Municipality on a consolidated monthly salary of Rs.100/- for the maintenance of Overhead Tank. Subsequently, by proceedings dated 02.08.2000 the third respondent has appointed them as Overhead Tank Operators/Watchmen on a consolidated salary of Rs.600/- per month. Therefore, G.O(Ms).No.21, Municipal Administration & Water Supply Department dated 23.02.2006 was issued for regularisation of the services of the petitioners in the time scale of pay. The grievance of the petitioners is that though they were entitled to regularization and time scale of pay on completion of three years of service from the date of appointment, the third respondent regularised their services only from 23.02.2006. The second claim made by the petitioners shows that since their services were regularized on 23.02.2006, the third respondent Municipality covered them under Contributory Provident Fund Scheme(New Pension Scheme). However, the petitioners are entitled for the benefit of Old Pension Scheme. When Clause 3(i) of G.O.Ms.No.259 dated 06.08.2003 states that a New Contributory Pension Scheme based on defined contributions will be introduced to the newly recruited employees. This will apply to all employees who are recruited on or after 01.04.2003. Since, the petitioners were appointed admittedly as casual workers in the year 1990 and subsequently, by proceedings dated 02.08.2000, they were appointed as Overhead Tank Operators/Watchmen on a consolidated salary of Rs.600/- per month, they cannot be covered under the New Contributory Pension Scheme. Hence, the petitioners have given representations on 27.09.2016, 27.08.2016 & 27.08.2016 respectively to the third respondent Municipality. But till date, the same have not been considered. Therefore, the petitioners have come forward with the present writ petitions.

3.Mr.T.M.Pappiah, learned Special Government Pleader taking notice for the respondents sought eight weeks time to consider the petitioners' representations dated 27.09.2016, 27.08.2016 & 27.08.2016 respectively.

4.Since the petitioners have already retired from service, the respondents are directed to consider the petitioners' representations dated 27.09.2016, 27.08.2016 & 27.08.2016

respectively on merits and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5.The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Govt.of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner,
Municipal Administration &
Water Supply Department,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Thiruverkadu Municipality,
Chennai - 600 077.
4. The Director,
Local Fund Audit,
Kuralagam Buildings,
Chennai - 600 108

+3cc's to Mr.K.M.Ramesh, Advocate, S.R.Nos.39355 to 39357
+1cc to the Government Pleader, S.R.No.39553

W.P.Nos.11849 to 11851 of 2017

NRJK(CO)
CA(19/06/2017)