

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.15163 of 2015 and  
M.P.No.1 of 2015 & W.M.P.No.8646 of 2017

1. P.Murugan
  2. A.Shanmuganathan
  3. S.Somasundaram
  4. S.Ramesh
  5. M.Asokan
  6. M.Murugan
- ...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 on the appeal on 15.05.2015.

For Petitioners : Mr.R.Singaravelan  
Senior Counsel

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 20.12.2014 and 29.04.2015, 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 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 Petitions are closed.

s/d-

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  
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College Road, Chennai - 6.
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  6. The Commissioner / Director of Treasuries  
& Accounts  
Saidapet  
Chennai - 15.
- +1 CC to Govt. Pleader sr 56228.  
+1 Cc to Mrs. M. Srividhya, Advocate sr 56136.

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SP(11/09/2017)