

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No. 39655 of 2015
& M.P.No.1 of 2015 & W.M.P.No.20883 of 2016

1. Union of India,
Rep by its Secretary to Government of India,
Ministry of Environment and Forest,
New Delhi - 110 003.
2. The Director of Forest Education,
Ministry of Environment and Forest,
Dehra Dun - 248 006.
3. The Principal,
Central Academy for State Forest Service,
Coimbatore - 641 002.Petitioners

Vs.

1. V.Radhakrishnan
2. M.Porchelvi
3. K.P.Gopal
4. A.Ramanathan
5. N.Murali
6. J.Nicky Joseph
7. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai - 600 104.Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the Seventh Respondent pertaining to O.A.No.310/01036/2014 dated 08.04.2015 and quash the same.

For petitioners : Mr.S.M.Deenadayalan
For respondents : Mr.J.Muthukumaran for R1 to R6
R7-Tribunal

O R D E R

The writ petition is directed against the order dated 08 April 2015 in O.A.No.310/010136/2014 directing the petitioners to take into account 50% of the services of the private respondents as casual labourer and consider them for pension

under CCS (Pension) Rules, 1972.

2. When the writ petition was taken up for hearing, the learned counsel for the third petitioner filed a memo dated 24 April 2017 and made a request to dispose of the writ petition in terms of the memo. The memo reads as follows:-

"1. As per the orders issued recently by the Government of India, Department of Personnel & Training, New Delhi, vide: O.M.No.49014/2/2014-Estt.(C), dated 26/02/2016 and O.M.No.49014/2/2014-Estt(C), dated 28/07/2016, the benefit of GPF and old pension scheme is applicable to all those CDLs on temporary status who are covered under the Scheme (CDL on TS Scheme) of the 10/09/1993, even if they have been regularized on or after 01/01/2004. As the MTS staffs Respondents 1 to 6 herein namely Shri V.Radhakrishnan & 5 others were covered under the Scheme of 10/09/1993 and subsequently they had been absorbed/regularised as Group 'D' staff w.e.f. 19/11/2007, they are eligible for the benefit of contribution to GPF and Old Pension Scheme, and they have become eligible for the pension benefits under the old pension rules as per the above said OMs of DoPT, New Delhi.

2. Further, as per the above said DoPT's orders, necessary prescribed forms duly filled were obtained from the Respondents 1 to 6 viz. Shri V.Radhakrishnan & 5 others and the same have been forwarded to the Pay & Accounts Officer (F), MoEF&CC, New Delhi, for opening of new GPF accounts in favour of them by closing the NPS account vide: this office letter No.743/2017/CASFOS/E.I./GPF(MTS), dated 08/02/2017.

3. The pension papers in respect of the first respondent viz, Shri V.Radhakrishnan, (MTS of this Academy) who is retiring on superannuation on 31.05.2017 has been processed under the CCS Pension Rules, 1972 (Old Pension Scheme) as per the directions of the above said DoPT's Orders and the same has been forwarded to the Pay & Accounts Officer(F), MoEF&CC, N.Delhi, vide: this office letter No.1323/2017/CASFOS/E.I./VR(Pen), dated 02/03/2017.

In view of the above, this Hon'ble Court may be pleased to dispose the above Writ Petition in terms of the Orders issued by the Government of India, Department of Personnel and Training vide: O.M.No.49014/2/2014-Estt.(C), dated 26/02/2016 and O.M.No.49014/2/2014-Estt.(C), dated 28/07/2016 and record the same.

3. The learned counsel for the private respondents, on a perusal of the memo, submitted that orders could be passed in terms of the memo.

4.The memo filed by the third petitioner dated 24 April 2017 is taken on record .

5.The writ petition is disposed of in terms of the memo. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

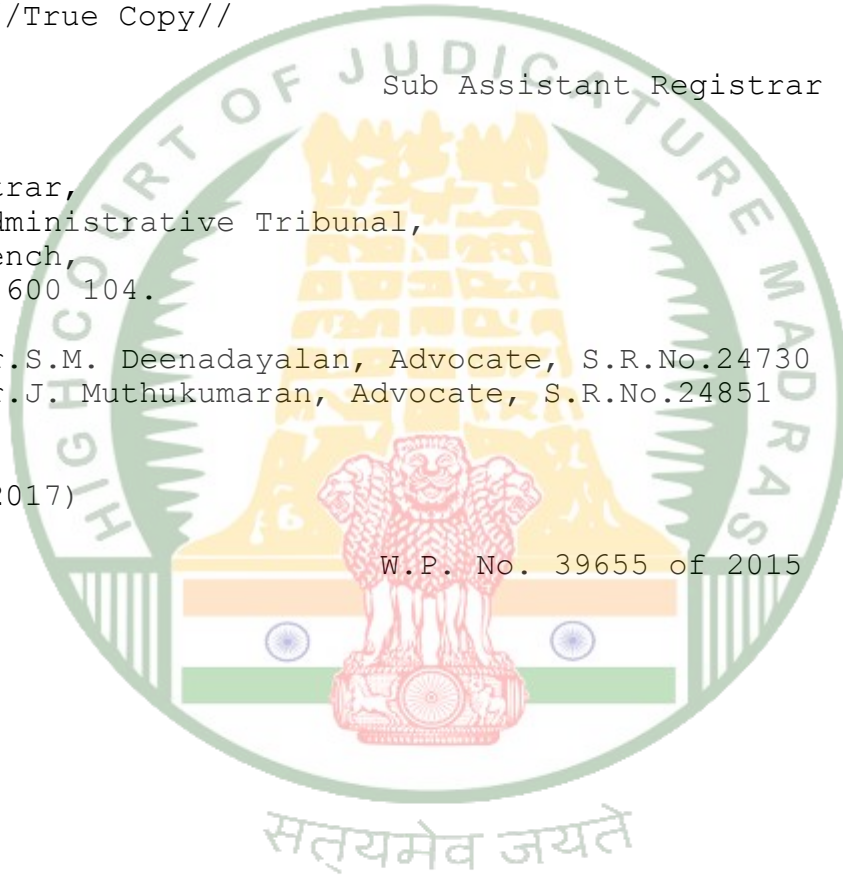
To

The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

+1cc to Mr.S.M. Deenadayalan, Advocate, S.R.No.24730
+1cc to Mr.J.Muthukumaran, Advocate, S.R.No.24851

nr(CO)
md(28/04/2017)

W.P. No. 39655 of 2015



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