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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.21494 of 2018

1.R.Athiyappan

2.M.Arumugaraj

3.S.Sudalaimadan

4.S.Eswari

5.T.Muthuvelan

6.Rajkumar

7.T.Chellappa

8.K.Kanthan

9.S.Sudalaimadan

10.Sollamadan

11.Pechiammal .. Petitioners

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai.

2.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai.

3.The Executive Officer,
Special Grade Town Panchayat,
Thiruchendur,
Thoothukudi District.

4.The Executive Officer,
Selection Grade Town Panchayat,
Perunguliam,
Thoothukudi District.

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5.The Executive Officer,
Selection Grade Town Panchayat,
Sayarpuram,
Thoothukudi District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to allot G.P.F(General Provident Fund Account) Number for grant of pension to the Petitioner under the Tamil Nadu Pension Rules,1978 (Old Pension Scheme) and to repay the deducted amount under Contributory Pension Scheme to the Petitioner.

For Petitioners : Mr.G.Chandrasekar

For Respondents : Mr.S.Dhayalan
Government Advocate

O R D E R

This Writ Petition is filed seeking issuance of a writ of Mandamus, directing the respondents to allot G.P.F(General Provident Fund Account) Number for grant of pension to the Petitioner under the Tamil Nadu Pension Rules,1978(Old Pension Scheme) and to repay the deducted amount under Contributory Pension Scheme to the Petitioner.

2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioners is that they are working as Sweepers in the Respondents 3 to 5 /Panchayats from 1998 on consolidated pay. Since they have completed three years of continuous service, their services has been regularised from the date on which they have completed three years of service on consolidated pay ie, from 2000 to 2002.The employees who are appointed after 1.4.2003 are not entitled to Old Pension Scheme. But the Petitioners were regularised in the year 2000 to 2002 and they are entitled to Old Pension Scheme. But the amount has been deducted from their salary towards Contributory Pension Scheme. Hence the Petitioners have made representations to the respondents on 13.3.2018 and 21.3.2018 to open G.P.F Account in accordance with G.O.Ms.No.142, Municipal Administration and Water Supply(T.P.1) Department, dated 23.09.2015 and in the light of judgement of this Court made in W.A(MD)Nos.651 of 2015 and batch of cases, dated 22.09.2015 and to return the amount deducted towards Contribution Scheme. Since the above said representations did not evoke any response, the petitioners are before this Court for the relief stated supra.

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4. The learned Government Advocate appearing for the respondents would submit that they have no objection to consider the representations submitted by the Petitioners within the time limit fixed by this Court.

5.Taking note of the above submissions, the representations submitted by the Petitioners, dated 13.3.2018 and 21.3.2018 are directed to be considered by the respondents concerned, after scrutinizing the applicability of G.O.Ms.No.142, Municipal Administration and Water Supply(T.P.1)Department, dated 23.09.2015 and applicability of the judgement of this Court made in W.A(MD) Nos.651 of 2015 and batch of cases, dated 22.09.2015 and if it is applicable to the Petitioners case, then to pass appropriate orders on the same in accordance with the rules, within a period of two months from the date of receipt of a copy of this order, if there is no legal impediment to do so.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-I)

To:

1.The Principal Secretary to Government of Tamil Nadu,
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Thoothukudi District.
5.The Executive Officer,
Selection Grade Town Panchayat,
Sayarpuram,
Thoothukudi District.
+10cc to Mr.G.Chandrasekar, Advocate, SR.No. 90401

W.P.(MD) No.21494 of 2018
12.10.2018

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