

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

W.P. No.1151 of 2003
and
W.P.M.P. No.1428 of 2003

- 1.Madurai District Central Co-operative
Bank Retired Employees Association,
(Regd. No.110/2002),
52, Kalainagar 2nd Main Road,
Madurai - 625 017.
- 2.G.D.Nayagam ... Petitioners
Vs.
- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Co-operation, Food & Consumer
Protection Department,
Fort St. George, Chennai - 600 009.
- 2.The Registrar of Co-operative
Societies for the State of Tamil Nadu,
170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Madurai District Central
Co-operative Bank Ltd.,
Rep. by the Special Officer,
187, North Veli Street,
Madurai - 625 001. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to implement the recommendations of the T.Murugaraj, I.A.S, Committee, relating to the grant of pension as a second benefit to the employees of the 3rd respondent Bank immediately by framing Pension Scheme on the lines prevalent in Nationalised Banks and to pay the arrears of pension within a time frame with interest, award cost.

[Prayer amended as per order dated 31.08.2007 made in W.P.M.P.No.7717 of 2006 in W.P.No.1151 of 2003]

For Petitioners : Mr.K.Srinivasamurthy

For Respondents : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

The petitioners have filed the above writ petition for issuance of a writ of mandamus directing the 3rd respondent to implement the recommendations of T.Murugaraj, I.A.S. Committee, relating to the grant of pension as a second benefit to the employees of the 3rd respondent Bank immediately by framing Pension Scheme on the lines prevalent in Nationalised Banks.

2.It is brought to the notice of this Court by the learned counsel appearing for the petitioners that, in the connected writ petitions in W.P.No.18198 of 2003 dated 29.07.2019 and W.P.No.14413 of 2003 dated 01.08.2019, this Court disposed of the writ petitions with the following observations and the same order may be passed in the present writ petition also. The relevant paragraphs of the order made in W.P.No.18198 of 2003 read as follows :

"6.The grievance of the petitioner is that the 1st respondent has not passed any order with regard to payment of pension as recommended by the committee. In a writ petition praying for issuance of a Writ of Mandamus, this Court cannot issue a positive direction to the respondents with regard to payment of pension to the members of the petitioner on par with the employees of the Nationalised Banks. At the same time, it is to be noted that the 1st respondent in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, stated that the recommendation of the streamlining committee is under active consideration of the Government and orders in this regard will be issued separately. In view of such stand taken by the 1st respondent in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, it is suffice to direct the 1st respondent to pass orders as stated in G.O.Ms.No.6. Accordingly, the 1st respondent is directed to pass orders on the recommendation of the streamlining committee with regard to payment of pension as second retirement benefit in lieu of

provident fund contribution by the employer to the employees of the petitioner's Association within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs."

3. The learned Standing Counsel appearing for the respondents also submitted that the same order may be passed in this writ petition also.

4. Following the orders passed in W.P.No.18198 of 2003, I direct the 1st respondent to pass orders on the recommendations of the streamlining committee with regard to payment of pension as second retirement benefit in lieu of provident fund contribution made by the employer to the employees of the petitioner's Association, within a period of three months from the date of receipt of a copy of this order.

5. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS I)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Co-operation, Food & Consumer
Protection Department,
Fort St. George, Chennai - 600 009.

2. The Registrar of Co-operative
Societies for the State of Tamil Nadu,
170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

3/4

3.The Special Officer,
Madurai District Central
Co-operative Bank Ltd.,
187, North Veli Street,
Madurai - 625 001.

+1 cc to Mr.S.Row & Reddy advocate sr94812
+1 cc to the Special Government Pleader sr 95079

W.P. No.1151 of 2003

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