

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.20199 of 2003

- 1.P.S.Ramalingam
- 2.G.A.Kadirvelu
- 3.G.A.Nanjappan
- 4.K.P.Ngappan
- 5.B.Nagarajan
- 6.K.Subramanian
- 7.K.Samba Moorthy
- 8.G.P.Dharmaraj
- 9.M.G.Narayanasamy
- 10.S.Ramaraj
- 11.G.S.Subramaniam
- 12.P.Ramasamy
- 13.V.R.Sampathu
- 14.V.C.Malla Naicker

.. Petitioners

Vs.

- 1.The Government of Tamil Nadu
represented by its Secretary,
Co-operation, Food and Consumer
Protection Department,
Fort St. George,
Chennai - 600 009.
- 2.The Registrar of Co-operative
Societies for the State of Tamil Nadu,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Erode District Central
Co-operative Bank Limited,
represented by its Special Officer,
Bhavani Main Road,
Erode - 638 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to implement the recommendations of the Murugaraj, IAS., Committee dated

24.07.1995 as stated in G.O.Ms.No.6 dated 08.01.1997 issued by Co-operation, Food and Consumer protection department relating to grant of pension to the petitioners by framing a appropriate pension scheme as prevalent in Nationalised Banks.

For Petitioners:	Mr.A.Sriram
	for Mr.R.N.Amarnath
For RR1 & 2 :	Ms.T.Girija
	Government Advocate
For R3 :	Mr.R.Subramanian

O R D E R

Writ Petition is filed for issuance of a writ of Mandamus to direct the respondents to implement the recommendations of the Murugaraj, IAS., Committee dated 24.07.1995 as stated in G.O.Ms.No.6 dated 08.01.1997 issued by Co-operation, Food and Consumer protection department relating to grant of pension to the petitioners by framing a appropriate pension scheme as prevalent in Nationalised Banks.

2(i).The petitioners are the retired employees of the 3rd respondent Bank. According to the petitioners, they are demanding pension as a second retirement benefit based on the recommendation of the committee constituted in the year 1994 headed by Shri. Murugaraj I.A.S., by framing a pension scheme on the lines prevalent in the Nationalised Banks. The service conditions of the employees of 3rd respondent Bank is governed by the settlement dated 15.03.1997. As retirement benefits, they are getting only gratuity and provident fund (both employer and employee contributions) and they are not getting any pension. The employees of the Nationalised Banks, who were in service as on 01.01.1986 are getting pension pursuant to the Pension Regulations framed in the year 1995. The retired employees have demanded for payment of pension on the lines with the employees of the Nationalised Banks.

2(ii).In pursuance of their demand, the 1st respondent constituted a committee in the year 1994 headed by Mr.Murugaraj I.A.S. for streamlining the service conditions of the employees in the Central Co-operative Banks. One of the issue was with regard to the payment of pension and the said committee has recommended for payment of pension as a second retirement benefit in lieu of provident fund contribution by the employer. On that basis, the 1st respondent has issued G.O.Ms.No.161, Co-operation, Food and Consumer Protection Department, dated 05.09.1996 stating that the recommendations will be referred to the committee to be constituted to examine the scope of pension scheme with reference to the Government of India Ordinance.

2(iii). Subsequently, the 1st respondent has issued another Government Order in G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997, referring to recommendation of Mr.Murugaraj I.A.S., Committee with certain conditions. In the said Government order, the 1st respondent has stated that the recommendation of the streamlining committee is under active consideration of the 1st respondent and orders in this regard will be issued shortly. Even after passage of so many years, the 1st respondent has not passed any order framing scheme for payment of pension to the employees of 3rd respondent Bank. The pension is being paid to the Tamil Nadu State Co-operative Bank as well as the employees of the Nationalised Banks.

2(iv). According to the petitioners, the Hon'ble Apex Court has held that the pension is not a matter of bounty and it being a part of the right under Article 21 of the Constitution of India. In view of the same, the learned counsel appearing for the petitioners prayed for a direction to the 3rd respondent Bank to implement the recommendation of the committee relating to grant of pension as a second retirement benefit to the employees of the 3rd respondent Bank by framing pension scheme.

3.The respondents have not filed any counter.

4.Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent and perused the entire materials available on record.

5.From the materials available on record, it is seen that the demand for payment for pension for the retired employees of the 3rd respondent Bank was considered by the 1st respondent by appointing one man committee headed by Mr.Murugaraj I.A.S. The one man committee has recommended payment of pension to the employees of the Central Co-operative Bank. The Government by G.O.Ms.No.161, Co-operation, Food and Consumer Protection Department, dated 05.09.1996, ordered that a committee would be constituted to refer the recommendations to examine the scope of pension scheme with reference to the Government of India Ordinance. Subsequently, the Government has passed another G.O.Ms.No.6, Co-operation, Food and Consumer Protection Department, dated 08.01.1997 and stated that the recommendation of the streamlining committee is under active consideration of the Government and orders in this regard will be issued shortly.

6.The grievance of the petitioners 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 petitioners 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 has stated that the recommendation of the streamlining committee is under active consideration of the Government and orders in this regard will be issued shortly. 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 3rd respondent Bank 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.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

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

2.The Registrar of Co-operative
Societies for the State of Tamil Nadu,
No.170, Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

3.The Special Officer, Erode District Central
Co-operative Bank Limited,
Bhavani Main Road,
Erode - 638 003.

+1cc to Mr.R.N.Amarnath, Advocate sr.67339
+1cc to Government Pleader sr.67533

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