

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17499 of 2019

Dr. R. Sekar

..Petitioner

vs

1. Pondicherry Engineering College,
Represented by its Chairman,
Governing Body,
Pillaichavadi,
Puducherry -605 104.

2. Department of Pension and Pensioners' Welfare,
Ministry of Personnel, Public Grievance and Pension
Government of India,
Lok Nayak Bhavan,
Khan Market,
New Delhi -110 003.

3. Union Territory of Puducherry,
Represented by its Special Secretary (Revenue)
cum District Collector,
I Floor, New Revenue Complex, Vazhudavoor Road,
Pettaiyanchathiram, Puducherry - 605009.

4. Pondicherry University,
Represented by its Registrar,
Bharat Ratna Dr. B.R. Ambedkar Administrative Buildings,
R.V. Nagar, Kalapet, Puducherry -605014.

(R3 and R4- impleaded as per court order dated 02.07.2019
made in WMP.No.18087 of 2019)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly in the nature of a writ of Mandamus directing the respondents, more particularly, the 1st respondent to advert to the service records of the petitioner and forthwith release his pension benefits with effect from 30.06.2016, the date of retirement of the petitioner in terms of the O.M of Ministry of Personnel, Public Grievances and Pensions(No.4/1/87 PIC-I dated 1.5.1987) as well as the Option Letters of the petitioners dated 12.07.1999 opting for GPF scheme and pass such orders.

For Petitioner : Mr. T. Mohan
for Mr.V. Adhivarahan

For Respondents : Mrs. N. Mala, Special Government Pleader,
Pondicherry for R1 and R3
Mr. S.S. Palaniraja for R2
Mr. M. Ravi for R4

O R D E R

The petitioner has filed this Writ Petition seeking direction to the first respondent to advert to the service records of the petitioner and forthwith release his pension benefits with effect from 30.06.2016, the date of retirement of the petitioner in terms of the O.M of Ministry of Personnel, Public Grievances and Pensions(No.4/1/87 PIC-I dated 1.5.1987) as well as the Option Letters of the petitioners dated 12.07.1999 opting for GPF scheme.

2. The case of the petitioner is that the petitioner was initially appointed in the first respondent, Pondicherry University as Lecturer in the Department of Mathematics in the year 1985 and thereafter he was appointed as Assistant Professor in the same department in the year 1999 through direct recruitment and thereafter the petitioner exercised his option on 12.07.1999 to switch from Contributory Provident Fund to General Provident Fund. However the first respondent conveyed misplacement of the option letter and therefore the petitioner move to Central Information Commissioner. The Central Information Commissioner passed a reply to the petitioner since record relating to the information i.e. Option letter dated 12.07.1999 was old and not traceable desired information could not be provided but assured his matter will be looked favourably if he applies afresh to the respondent. Even after applying afresh, till date no orders were passed on the option exercised by the petitioner.

3. The learned counsel for the petitioner submitted that it would be suffice to direction to the first respondent to pass appropriate orders as per option letter dated 12.07.1999 on merits and in accordance with law.

4. Mrs. N. Mala, learned Special Government Pleader appearing for the respondents 1 and 3 would submit that though the petitioner filed rejoinder in which paragraph 12 denied the averments made in paragraph 16 of the counter, however option letter is available in page No.19 of the typed set of papers filed by the petitioner and placed before the first respondent and appropriate orders will be passed in accordance with law.

5. In view of the undertaken given by the learned counsel for the respondent, this court issues direction to the first respondent to pass orders on the option letter dated 12.07.1999 on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above directions, Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrn

To

1. The Chairman
The Pondicherry Engineering College,
Governing Body,
Pillaichavadi,
Puducherry -605 104.

2. The Department of Pension and Pensioners' Welfare,
Ministry of Personnel, Public Grievance and Pension
Government of India,
Lok Nayak Bhavan,
Khan Market,
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3. The Special Secretary (Revenue)
The Union Territory of Puducherry,
I Floor, New Revenue Complex, Vazhudavoor Road,
Pettaiyanchathiram, Puducherry - 605009.

4. The Pondicherry University,
Bharat Ratna Dr. B.R. Ambedkar Administrative Buildings,
R.V. Nagar, Kalapet, Puducherry -605014.

+1 CC to Mr.M.Ravi, Advocate sr 80317

+1 CC to M/s.K. Sumathi, Advocate sr 79430.

+1 CC to The Govt. Pleader sr 79803.

W.P.No.17499 of 2019

SSD(CO)
SP(03/12/2019)