

IN THE HIGH COURT OF JUDICATURE AT MADRAS

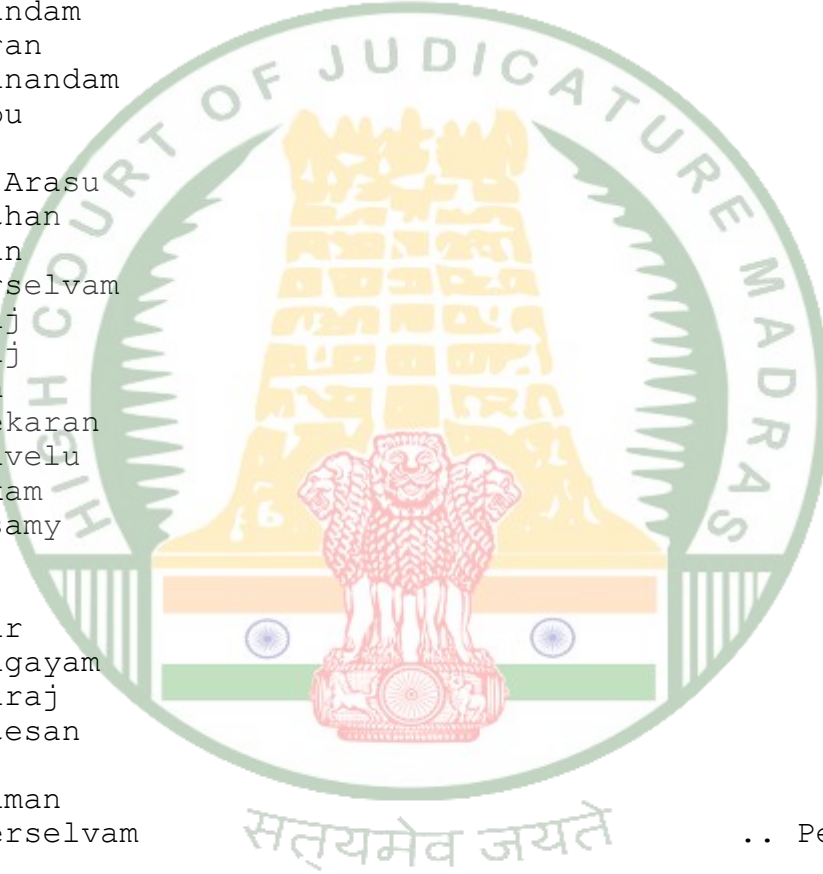
DATED: 04.07.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.19129 of 2019

1.P.Palani
2.D.Dhayanandam
3.A.Gajendran
4.D.Sachidanandam
5.M.Arnbabu
6.M.Kumar
7.R.Udhaya Arasu
8.C.Inbanathan
9.D.Baskaran
10.S.Paneerselvam
11.M.Jayaraj
12.M.Megaraj
13.S.Ramesh
14.N.Gunasekaran
15.M.Kumaravelu
16.M.Manickam
17.P.Kuppusamy
18.A.Somu
19.Babu
20.Sasikumar
21.M.Devasagayam
22.P.Thangaraj
23.K.Venkatesan
24.G.Velu
25.P.Gowthaman
26.M.Panneerselvam



.. Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Development,
Fort St. George,
Chennai 600 009.

2.The Director of Municipal Administration,
Chepauk, Chennai 600 005.

3.The Commissioner,
Vellore Corporation,
Vellore District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 16.06.2019 and thereby direct the respondents to bring the petitioners under the old pension scheme and to refund subscription already made by the petitioners towards Contributory Pension Scheme in the light of the order in W.P.No.17960 of 2016 dated 12.05.2016 passed by this Court and order in Letter No.10876/MC6/2016-5, dated 26.02.2018 passed by the 1st respondent and order in Na.Ka.No.824/2016/C1/Ma1 dated 02.03.2018 passed by the 3rd respondent and within a stipulated period of time.

For Petitioners : Mr.B.Gopalakrishnan

For R1 & R2 : Mr.I.Sathish,
Additional Government Pleader

For R3 : Ms.P.Shanthi
Standing Counsel for Corporation

O R D E R

The present Writ Petition is filed seeking to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 16.06.2019 and thereby direct the respondents to bring the petitioners under the old pension scheme and to refund subscription already made by the petitioners towards Contributory Pension Scheme in the light of the order in W.P.No.17960 of 2016 dated 12.05.2016 passed by this Court and order in Letter No.10876/MC6/2016-5 dated 26.02.2018 passed by the 1st respondent and order in Na.Ka.No.824/2016/C1/Ma1 dated 02.03.2018 passed by the 3rd respondent and within a stipulated period of time.

2.By consent of the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the respondents 1 and 2 as well as the learned Standing Counsel appearing for the 3rd respondent, the Writ Petition is taken up for disposal at the admission stage itself.

3.According to the petitioners, they were appointed as Sanitary Workers/Sweepers in the month of March and April 1998 on a consolidated pay of Rs.900/- by the respondents. As per the Municipal Administration and Water Supply Department's

Government Orders in G.O.Ms.No.199 dated 12.08.1997, G.O.Ms.No.198 dated 26.10.1998, G.O.Ms.No.72 dated 05.05.1998 and G.O.Ms.No.84 dated 21.05.1998, they are entitled to be regularized in the time scale of pay on completion of three years of service on consolidated pay. The respondents have regularized the petitioners and brought them under regular time scale of pay with effect from March and April 2001 and paid all the monetary benefits, but the respondents failed to bring the petitioners under old pension scheme despite the fact that they have joined in service before 31.03.2003 and are entitled to get pension as per old pension scheme. Some of the similarly placed persons filed W.P.No.17960 of 2016 for a direction to refund subscription already made by the petitioners therein towards new pension scheme in the light of the judgment reported in 2014 (2) CTC 777. This Court by the order dated 12.05.2016 directed the respondents to consider the claim of the petitioners to bring them under old pension scheme. As per the order of this Court, the petitioners therein were brought under old pension scheme. The petitioners herein has also given representation to the respondents on 16.06.2019 and filed this Writ Petition for the relief sought above.

4.From the materials on record it is seen that as per the order of this Court, the petitioners herein were regularized and brought into time scale of pay from the year 2001 on completion of three years on consolidated pay and all the arrears were paid. This Court by the order dated 12.05.2016 in W.P.No.17960 of 2016, directed the respondents to consider the representation of the petitioners therein and bring the petitioners therein who were regularized before 31.03.2003 into old pension scheme. The petitioners herein have given representation dated 16.06.2019 to bring them under old pension scheme as they were regularized and granted time scale of pay. Without deciding the claim of the petitioners on merits, the respondents are directed to consider the representation dated 16.06.2019 and pass orders on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gsa

To

1.The Secretary to Government,
Municipal Administration and Water Supply Development,
Fort St. George,
Chennai 600 009.

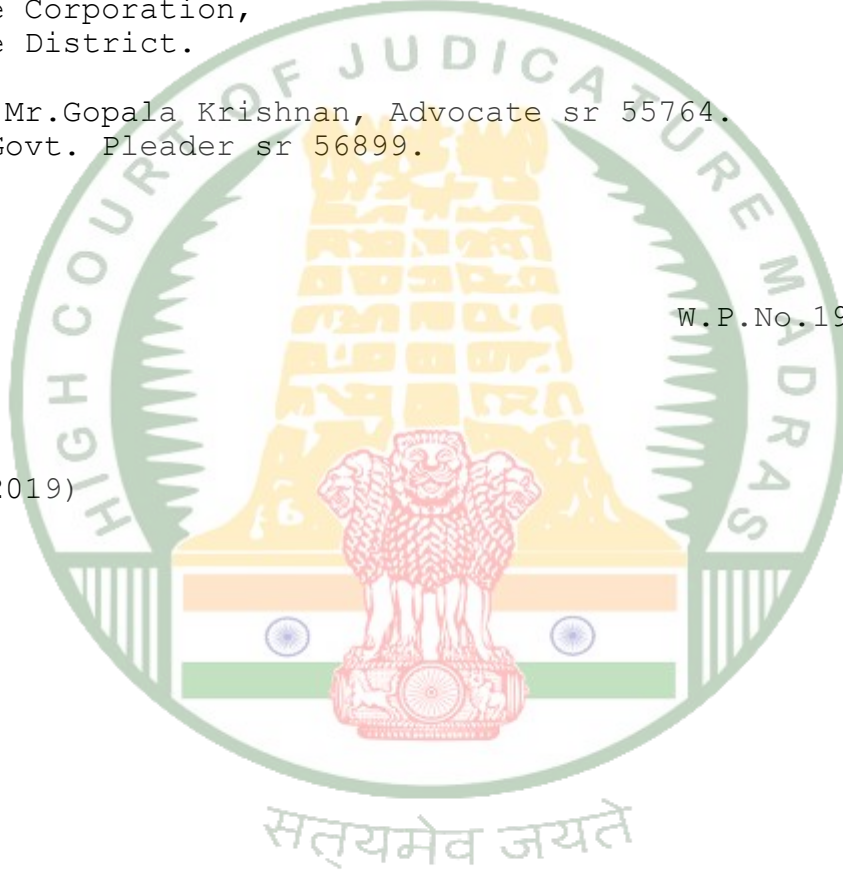
2.The Director of Municipal Administration,
Chepauk, Chennai 600 005.

3.The Commissioner,
Vellore Corporation,
Vellore District.

+3 Ccs to Mr.Gopala Krishnan, Advocate sr 55764.
+1 CC to Govt. Pleader sr 56899.

W.P.No.19129 of 2019

MG (CO)
SP (17/07/2019)



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