

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24684 of 2019

1.Selvam
2.C.Ammu
3.K.Rajan
4.G.Selvam
5.J.thangamani

..Petitioners

vs

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

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

3.The Commissioner,
Arcot Municipality,
Arcot, Vellore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 20.07.2019 and 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 Judgment reported in 2014(2) CTC 777 within a stipulated period of time.

For Petitioners : Mr.B.Gopalakrishnan

For R1 and R2 : Mrs.A.Srijeyanthi
Additional Government Pleader

For R3 : Mr.Jayaprakash Narayanan

O R D E R

Writ Petition is filed challenging the impugned order passed by the respondent in his proceedings in Rc.No.W1/12971/2018, dated 27.06.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. The case of the petitioner is that the petitioners were appointed as Sweepers on the consolidated pay at Rs.1,000/- by the respondents in the month of November 1998. After completion of three years service in the month of November 2001. As per the Government order, dated 12.08.1997, they should have been brought under the time scale of pay with effect from

the date when they completed three years on consolidated pay. The first respondent brought to the petitioners into regular time scale in the cadre of sweeper only with effect from 01.03.2006 instead of with effect from November 2001 onwards. Thereafter, the petitioner approached this Court in W.P.No.4818 of 2011 by challenging the third respondent dated 01.03.2006 and the said writ petition was dismissed on 08.03.2011 on the ground that delay in latches undue.

4. The petitioner preferred writ appeal in W.A.No.1631 of 2011 and the same was allowed and set aside the order in W.P.No.4818 of 2011. The said writ appeal was allowed. Thereafter, the respondents filed Rev.A.No.69 of 2013 and the same was dismissed on 15.04.2013. Against which, no appeal was filed. Thereafter, the petitioners made representation dated 20.07.2019 to the respondents with a request to bring the petitioners under the old pension scheme and return the deduction amount under the new pension scheme. However, the petitioner's representations were not considered by the respondents till date. Hence this writ petition.

5. Learned counsel for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representations and pass appropriate orders within a reasonable time.

6. Learned Additional Government Pleader appearing for the respondent has also conceded the request made by the learned counsel for the petitioner.

7. Considering the facts and circumstances of the case as well as the limited request made by the learned counsel for the petitioners, this Court hereby directs the respondents to consider the petitioners' representation dated 20.07.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of on the above terms. No

costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
- 3.The Commissioner,
Arcot Municipality,
Arcot, Vellore District.

+2cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.83810
+1cc to the Government Pleader, S.R.No. 83981

W.P.No.24684 of 2019

VG II(CO)
GN(21/11/2019)

सत्यमेव जयते

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