

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 33321 of 2019

R.Lakshmanan

..Petitioner

Vs

1.The Secretary to Government
Handloom, Handcrafts, Textile and Khadi Department,
Secretariat, Fort St.George,
Chennai-600009

2.The Commissioner
Sericulture Department,
Hasthampatti,
Salem District -636007.

3.The Assistant Director,
Sericulture Department,
Annasalai, Kadharpet,
Vaniyambadi -635751,
Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 10.10.2019 and thereby direct the respondents to bring the petitioner under the old pension scheme and to refund the subscription already made by the petitioner towards Contributory Pension Scheme in the light of reported judgment in 2014(2) CTC 777 within a stipulated time.

For Petitioner : Mr. B.Gopalakrishnan
For Respondents : Mr.K.S.Suresh,
Government Advocate

ORDER

Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 10.10.2019 and thereby direct the respondents to bring the petitioner under the old pension scheme and to refund the subscription already made by the petitioner

towards Contributory Pension Scheme in the light of reported judgment in 2014(2) CTC 777 within a stipulated time.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was appointed as a daily wages employee in the respondents department in the year 1992 and his services has to be regularised in the year 1995 i.e after completion of 3 years, but his services came to be regularised by the respondent only in the year 2010. In the mean time, the petitioner had retired from service on 31.10.2019. The petitioner has made a detailed representation dated 10.10.2019 to the respondents to bring his services under the old pension scheme and to return the deduction amount under the contributory pension scheme. The said representation is still pending without consideration. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioner has further submitted that it would suffice, if this Court issues direction to the respondents to consider and pass orders on the representation dated 10.10.2019 submitted by the Petitioner.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondents to consider the request made by the petitioner 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.

6. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Handloom, Handcrafts, Textile and Khadi Department,
Secretariat, Fort St.George,
Chennai-600009

2.The Commissioner
Sericulture Department,
Hasthampatti,
Salem District -636007.

3.The Assistant Director,
Sericulture Department,
Annasalai, Kadharpet,
Vaniyambadi -635751,
Vellore District.

+1 cc to M/s.B.Gopala Krishnan,Advocate Sr.No. 99218
+1 cc to The Government Pleader Sr.No. 100423

AKM/09.01.2020/3P-7C /

W.P.No.33321 of 2019



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