

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :16.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.34735 of 2019

T.K.Mani

...Petitioner

Vs.

1. The Secretary to Government,
Handloom, Handcrafts, Textile and Khadi Department,
Secretariat,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Sericulture Department,
Hasthampatti,
Salem District - 636 007.
3. The Assistant Director,
Sericulture Department,
Annasalai, Kadharpet,
Vaniyambadi - 635 751,
Vellore District

..Respondents

Prayer:- Writ petitions 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 27.11.2019 and thereby direct the respondents to bring the petitioner under the old pension scheme and to refund subscription already made by the petitioner towards Contributory Pension Scheme in the light of reported judgement in 2014(2) CTC 777, within a stipulated period of time.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mrs.K.Bhuvneswari,
Additional Government Pleader
for R1 to R3.

O R D E R

This writ petition has been filed to issue a writ of Mandamus directing the respondents to consider the representation made by the petitioner on 27.11.2019 and to bring the petitioner under the old pension scheme and to revise the

subscription already made by the petitioner towards the contributory pension scheme.

2. The case of the petitioner is that he was appointed in the respondent Department in the year 1992. His services were regularised in the year 1995. The grievance of the petitioner is that by proceedings dated 23.02.2010, the service of the petitioner was regularised only with effect from 09.03.2010.

3. The further grievance of the petitioner is that the Government of Tamil Nadu had abolished the old pension scheme with effect from 01.04.2003 and in that scheme, the date of joining in service was taken into consideration for grant of pension. According to the petitioner, he is entitled for the said relief under the old pension scheme. The petitioner has therefore made a representation to the respondent requesting to bring under old pension scheme and for other consequential relief. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner dated 27.11.2019 and also see if the earlier orders passed by this Court will apply to the facts of the present case and pass orders, strictly in accordance with law, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to give a fresh representation to the 2nd respondent along with copy of the representation dated 27.11.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

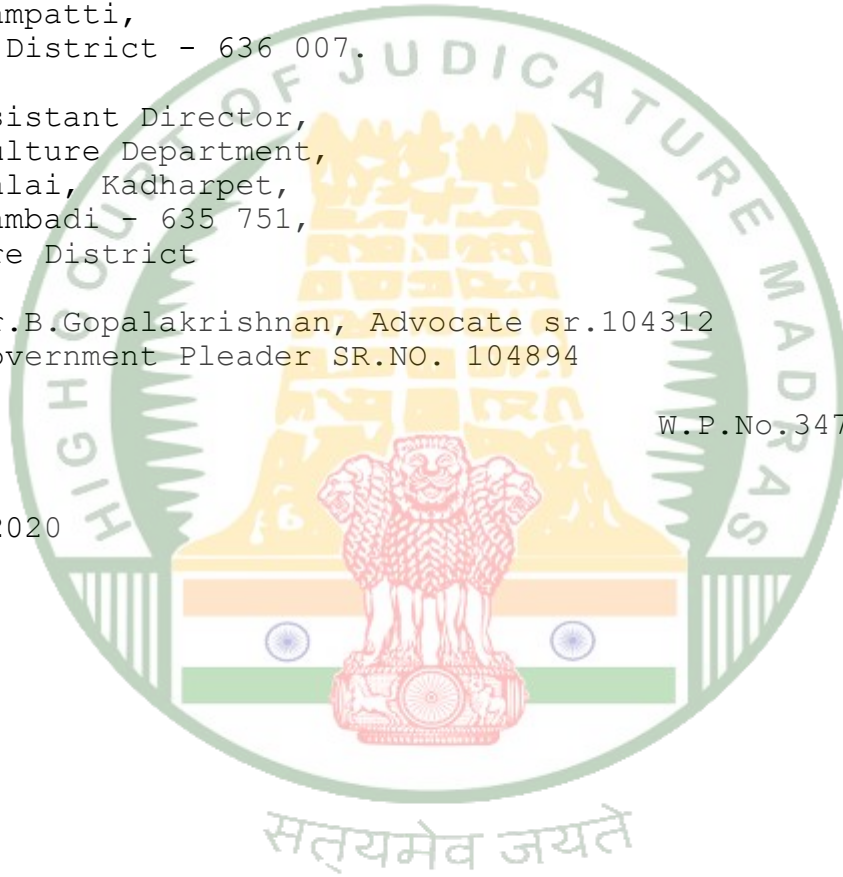
To

1. The Secretary to Government,
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Fort St. George, Chennai 600 009.
2. The Commissioner,
Sericulture Department,
Hasthampatti,
Salem District - 636 007.
3. The Assistant Director,
Sericulture Department,
Annasalai, Kadharpet,
Vaniyambadi - 635 751,
Vellore District

+1cc to Mr.B.Gopalakrishnan, Advocate sr.104312
+1cc to Government Pleader SR.NO. 104894

W.P.No.34735 of 2019

spd(co)
nr 14/02/2020



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