



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD)No.16265 of 2019

J.Ramasubramaniam

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Finance (Pension) Department,
Secretariat, Fort St. George, Chennai - 9.

2.The Accountant General (A & E),
Teynampet, Chennai - 600 018.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 04.03.2019 and to issue reply to the second respondent's Letter Pen 30/3-1/QS/2017-18/260-39131, dated 24.07.2017, in the light of the clarification issued by the first respondent in Letter No.92399/Pension/2005-1, dated 13.04.2006 and Letter No.12788/Fin (Pension)/2007-1, dated 03.03.2007 and Letter No.12473/Finance (Pension)/2009, dated 27.05.2009, within the time frame to be fixed by this Court.

For Petitioner	: Mr.M.Saravanakumar
For R1	: Mr.Aayiram K.Selvakumar Additional Government Pleader
For R2	: Mr.P.Gunasekaran Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 04.03.2019 and to issue reply to the second respondent's Letter - Pen 30/3-1/QS/2017-18/260-39131, dated 24.07.2017, in the light of the clarifications issued by the first respondent in Letter No.92399/Pension/2005-1, dated 13.04.2006 and Letter No.12788/Fin (Pension)/2007-1, dated 03.03.2007 and Letter No.12473/Finance (Pension)/2009, dated 27.05.2009, within a time frame to be fixed by this Court.



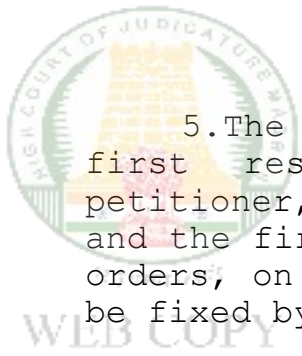
2. According to the petitioner, he was initially appointed as Assessor in Tamil Nadu Electricity Board, Gopichettipalayam Electricity Distribution Circle, Kallipatty, on 18.11.1995, in regular time scale of pay and his service was regularized and probation was also declared by the competent authorities. After rendering 11 years, 11 months and 7 days service in the Tamil Nadu Electricity Board, he was selected as B.T. Assistant [Science] through Tamil Nadu Teachers Recruitment Board. Therefore, he was relieved on 25.10.2007 and joined as B.T. Assistant [Science] on 25.10.2007 afternoon, in Government High School, Velliyanai, Karur District, without break in service and his service was regularized and probation was also declared. After rendering 9 years, 5 months and 6 days service in the Education Department, the petitioner was allowed to retire from service on 31.03.2017. Therefore, the competent authority submitted the petitioner's pension proposal to the second respondent, by including the past services rendered by him, as per the clarifications issued by the first respondent, vide his Letter No.92399/Pension/2005-1, dated 13.04.2006, Letter No.12788/Fin (Pension)/2007-1, dated 03.03.2007 and Letter No.12473/Finance (Pension)/2009, dated 27.05.2009. Further, the Senior Deputy Accountant General (Pension) sent a letter dated 24.07.2017, in Pen 30/3-1/QS/2017-18/260-39131, to the first respondent, requesting him to clarify the applicability of old pension scheme, with the following remarks:-

'1. Whether employees who were appointed in Government Service on or after 1.4.2003 through Teachers Recruitment Board without break after resigning the post in Tamil Nadu Electricity Board, are eligible for pensionary benefits under old pension scheme for the services rendered in Government service on or after 1.4.2003.

2. If so, clarify whether the services rendered in Tamil Nadu Electricity Board can be added as qualifying service for the purpose of pensionary benefits on discharge of the pension liability by Tamil Nadu Electricity Board.'

3. According to the learned counsel for the petitioner, the first respondent has not chosen to communicate the clarification sought by the second respondent, so far. Therefore, the petitioner has come up with the present Writ Petition for the relief stated supra.

4. The learned Standing Counsel appearing for the second respondent submitted that the first respondent has to clarify the said issue viz., with regard to counting of the past services rendered by the petitioner in the Tamil Nadu Electricity Board, for calculating pension, and communicate the same to the second respondent.



5.The learned Additional Government Pleader appearing for the first respondent submitted that the representation of the petitioner, dated 04.03.2019, is still pending with the Government and the first respondent will consider the same and pass appropriate orders, on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Considering the above said submissions made by the learned counsel on either side and considering the fact that the clarification sought by the second respondent is pending with the first respondent so far, this Court directs the first respondent to consider the representation of the petitioner, dated 04.03.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, in any event, not later than, four months from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Secretary to Government of Tamil Nadu,
Finance (Pension) Department,
Secretariat,
Fort St. George,
Chennai - 9.

2.The Accountant General (A & E),
Teynampet,
Chennai - 600 018.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-79815[F] dated
05/08/2019)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-80062[F] dated
06/08/2019)

+1 CC to M/s.SPL GP (SR-79971[F] dated 06/08/2019)

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smn2
JM/19.08.2019/3P/6C