

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.12101 of 2007
and M.P.No.2 of 2007

1.S.Kaliyaperumal
2.G.Thayammal
3.K.Kunjithapatham
4.N.Jayalakshmi
5.N.Subashchandran
6.N.Rukmani
7.A.Palaniappan
8.K.Samivel
9.D.Venugopalan
10.V.Vatsala

...Petitioners

Vs.

The Government of Tamil Nadu
Rep. by its Secretary
Finance (Pay Cell) Department
Chennai - 600 009.

...Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that G.O.Ms.No.174 dated 21.04.1998 read with G.O.Ms.No.500 dated 16.09.1998, G.O.Ms.No.740 dated 29.12.1998 and G.O.Ms.No.2000 dated 18.05.1999 issued by the respondent are unconstitutional and void with reference to the applicants and consequently direct the respondent to grant the applicants the same rate of pension as is granted to employees who retired before 1-1-1996 or after 1-7-1996 with all arrears of pension and other benefits with effect from 1-1-1996 and thereby extending the benefits of order passed in W.P.No.13333/2000 dated 09.03.2004.

For Petitioners : Mr.A.R.Nixon
[No appearance]

For Respondent : Mr.K.Magesh
Government Advocate

O R D E R

The petitioners have filed this writ petition seeking declaration to declare the above G.Os issued by the respondent are unconstitutional and void and consequently to direct the

respondents to grant them the same rate of pension as it has granted to employees who retired before 1-1-1996 or after 1-7-1996 with all arrears of pension and other benefits with effect from 1-1-1996 and thereby to extend the benefits, in pursuance to the order passed in W.P.No.13333/2000 dated 09.03.2004.

2. No representation for the petitioner. Mr.K.Magesh, the learned Government Advocate appearing for the respondent would submit that subsequent to the order of this Court in W.P.No.13333 Of 2000, a Writ Appeal in W.A.No.2886 of 2004 was preferred by the respondent, wherein a Division Bench of this Court vide its order dated 11.06.2007 has upheld the order passed in W.P.No.13333 of 2000 dated 09.3.2004. The Government with a view to implement the said order in W.P.No.13333 of 2000, has issued a G.O.MS.No.446 dated 18.09.2007 and a copy of which is produced before the Court. Since, nothing survives in this writ petition, the same may be dismissed.

3. Recording the submission of the learned Government Advocate and in view of the subsequent developments made, this Court is of the opinion that nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is dismissed as infructuous. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

The Secretary
Government of Tamil Nadu
Finance (Pay Cell) Department
Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.39560

WEB COPY

W.P.No.12101 of 2007

KV(CO)
RV(04/01/2021)