



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2020**

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**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

W.P. (MD)No.6537 of 2020  
(Through Video conferencing)

N.Murugeswari

...Petitioner

-Vs-

1.The Principal,  
Government Medical College (Sidda)  
Murugankurichi, Palayamkottai.

2.The Special Commissioner,  
Indian Medicine and Homeopathy,  
Arumpackam,  
Chennai - 106.

3.The Secretary to Government,  
Health and Family Welfare IM 2(2)  
Department, Secretariat,  
Chennai - 9.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to extend the benefit of Old Pension Scheme instead of New Pension Scheme which takes effect from 1.4.2003 in view of the appointment of the petitioner on 13.7.1990 prior to the cut off date 1.4.2003 in the Basic Service as Hospital Worker through Employment Exchange in the sanctioned post on full time basis in the light of the Division Bench judgment of this Court reported in 2019(4) CTC 865.

For Petitioner : Mr.S.Govindan  
For Respondents : Mrs.J.Padmavathy Devi,  
Special Government Pleader

**ORDER**

The prayer in this writ petition is for a writ of Mandamus, directing the respondents to extend the benefit of Old Pension Scheme instead of New Pension Scheme which takes effect from 1.4.2003 in view of the appointment of the petitioner on 13.7.1990



prior to the cut off date 1.4.2003 in the Basic Service as Hospital Worker through Employment Exchange in the sanctioned post on full time basis in the light of the Division Bench judgment of this Court reported in 2019(4) CTC 865.

2. Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr.M.Rajaraman, learned Government Advocate appearing for the respondents. With the consent of both sides, this writ petition is disposed of.

3. The petitioner claimed to have been working from 1990 at the respondent department and in this regard, he shall be entitled to claim the pension in the old pension scheme, which was in force prior to 01.04.2003 and the new pension scheme has come into effect on 01.04.2003, according to the petitioner, new pension scheme is applicable only to those who joined in service after 01.04.2003. Therefore, in this regard, according to the learned counsel for the petitioner, several judgments have been passed by this Court at various points of time. Accordingly, the petitioner's entitlement cannot be denied. Hence, request has been made in this regard by the petitioner to the respondents on 31.03.2020. If it is directed to be considered on merits and in accordance with law by taking into account all the judgments so far passed in this regard, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4. I have heard the learned Government Advocate, who would submit that the said representation of the petitioner dated 31.03.2020 would be considered and orders would be passed on merits and in accordance with law, within a time frame that to be stipulated by this Court.

5. Considering the limited scope of the writ petition as has been projected before this Court, this Court is inclined to pass the following direction:

"The respondents, especially, the 1<sup>st</sup> respondent shall consider the request of the petitioner dated 31.03.2020 and forward his comments/recommendations to the respondents 2 and 3, who, on receipt of the same from the 1<sup>st</sup> respondent, shall pass final orders on the request of the petitioner on merits and in accordance with law, by taking into account the judgment so far rendered by this Court on the issue raised by the petitioner and such endeavour shall be completed within



a period of three months from the date of receipt of a copy of this order."

6. With this direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal,  
Government Medical College (Sidda)  
Murugankurichi, Palayamkottai.
2. The Special Commissioner,  
Indian Medicine and Homeopathy,  
Arumpackam,  
Chennai - 106.
3. The Secretary to Government,  
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Department, Secretariat,  
Chennai - 9.

Order made in

**W.P. (MD) No. 6537 of 2020**

**13.07.2020**

  KM (17.07.2020) 3P 4C