



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.11.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.16486 of 2020

1.V.Chinnathambhi
2.M.Raju
3.S.Mariyappan
4.S.Murugan

...Petitioners

Vs

1.The Director of Town Panchayat,
Urban Administrative Complex,
75, Santhome High Road,
R.A.Puram,
Chennai 600 028.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai.

3.The Executive Officer,
Kallidaikurichi Selection Grade Town Panchayat,
Kallidaikurichi,
Tirunelveli District.

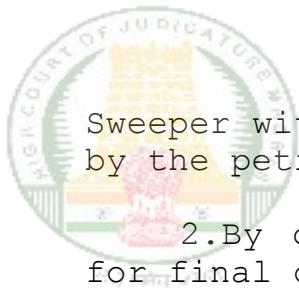
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to bring the petitioners under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by considering regularization of the petitioners in the post of Sweeper with effect from 20.12.2000 and to refund subscription already made by the petitioners towards new pension scheme within the time period stipulated by this Court.

For Petitioners	: Mr.T.Lajapathi Roy
For R1 & R2	: Mr.A.Thiagarajan Government Advocate
For R3	: Mr.A.Karthick Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents to bring the petitioners under the Tamilnadu Pension Rules 1978, (Old Pension Scheme), by considering their regularization in the post of



Sweeper with effect from 20.12.2000 and to refund subscriptions made by the petitioners already towards new pension scheme.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3.It is the main grievance of the petitioners that though the 3rd respondent, by proceedings dated 26.10.2015, regularized the petitioners' services with effect from 20.12.2000 in the time scale of pay, which is well before the cut off date, ie., on 01.04.2003 prescribed under G.O.Ms.No.259, dated 06.08.2003, their names have been included under the new pension scheme only, for which, they have made representations dated 28.09.2020 and 12.10.2020 to the respondents seeking to include their names under the old pension scheme and the same is pending without any consideration till date. Hence, the present writ petition.

4.Mr.A.Karthick, learned Government Advocate appearing for the 3rd respondent would fairly submit that old pension scheme will be applicable to the petitioners herein, since the 3rd respondent, by proceedings dated 26.10.2015, has regularized the petitioners' services with effect from 20.12.2000 in the time scale of pay. He would further submit the petitioners' representations dated 28.09.2020 and 12.10.2020 will be disposed of on merits and in accordance with law, within a period of eight weeks.

5.Taking into consideration of the submission made by the learned Government Advocate appearing for the 3rd respondent, this Court is inclined to pass the following directions:-

the respondents are directed to consider the petitioners' representations dated 28.09.2020 and 12.10.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order;

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

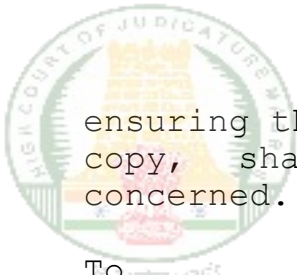
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Sub Assistant Registrar(CS)

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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,
<https://hcservices.ecourts.gov.in/hcservices/>



ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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- 3.The Executive Officer,
Kallidaikurichi Selection Grade Town Panchayat,
Kallidaikurichi,
Tirunelveli District.

+1 CC to Mr.A. KARTHICK, Advocate (SR-22577[F] dated 24/11/2020)

+1 CC to Spl GP (SR-22529[F] dated 23/11/2020)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-22482[F]dated
23/11/2020)

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VB (03.12.2020) 3P 7C