



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. No.2817 of 2009

WEB COPY

- 1.P.Ekambaram
- 2.P.Somaraj
- 3.V.Malaiyappan
- 4.R.Parthasarathy
- 5.M.Padmajah
- 6.S.Markandan
- 7.V.Adishesan
- 8.P.Sheik Allauddin
- 9.R.Chandramurthy
- 10.A.Andreas
- 11.N.Anbalagan
- 12.C.Ramachandran
- 13.K.Prakasam
- 14.S.Kannaiyan
- 15.M.Panneerselvam
- 16.Mrs.N.Lakshmi
- 17.P.Sadagopan
- 18.V.Nagarjan
- 19.S.Balachandran
- 20.C.Channegowda
- 21.K.G.Rajasekaraiah
- 22.R.Thiyagarajan
- 23.A.Somasundaram
- 24.W.Ranganathan
- 25.M.Veeraraghavan
- 26.C.P.Sukumar
- 27.A.R.Sampath Raghavan
- 28.M.A.Rajeswari
- 29.Smt.M.Paripooranam

...Petitioners

Vs

1. The Union of India represented by
The Secretary, Ministry of Consumer Affairs,
Food and Public Distribution,
Government of India, Krishi Bhawan,
New Delhi -110 001.
- 2.The Union of India, represented by
The Secretary, Ministry of Finance,
Government of India, North Block,
New Delhi -110 001.



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3. The Union of India, represented by
The Secretary, Ministry of Personnel,
Public Grievances & Pensions,
Department of Pension & Pensioners Welfare,
3rd Floor, LOK Nayak Bhavan,
New Delhi 110 003.

4. The Food Corporation of India,
Represented by the Managing Director,
H.Qrs, 16-20 Barakamba Lane,
New Delhi 110 003.

5. The Zonal Manager (South),
The Food Corporation of India,
Zonal Office, Chennai 600 006.

... Respondents

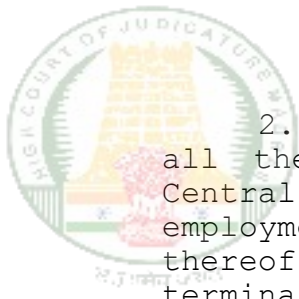
PRAYER: PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to calling for the records relating to proceedings dated 03.09.2007 and 15.04.2008 issued by the second respondent and the proceedings in DO NOH -11013/4/2004-FC3/898 dated 12.05.2008 issued by the first respondent and quash the same and consequently direct the first respondent to effect relevant amendment to Sec.12A of the Food Corporation of India Act, 1964 so as to enable the petitioners to opt for pension under the liberalized pension scheme in terms of the 8th Committee Report dated 29.05.2005 submitted by the Committee appointed by the XIV Lok Sabha.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.T.L.Thirumalaisamy,
Central Government Standing Counsel

ORDER

This writ petition has been filed by 29 petitioners, of which, 5 of them have passed away, pending writ petition. The petitioners were employed as Central Government Employees in the Department of Food, Agricultural and Home, having been appointed between the years 1962 and 1969. While they were so employed, the Food Corporation of India (FCI) was constituted under the Food Corporation of India Act, 1964 (in short 'Act') and the employees of the Central Government positioned in the Department of Food, Agriculture and Home stood transferred to the FCI with effect from 01.03.1969.



2. In furtherance of the assurance given to the employees that all the benefits given hitherto to them in their capacity as Central Government Employees would continue in their subsequent employment with the FCI as well, the Act extends, in Section 12A thereof an option to the employees to adopt the scale of pay and terminal benefits as applicable either to Central Government employees or FCI employees in relation to Provident Fund-cum-Pension or Contributory Pension Scheme. The provision contains an effective date within which such option ought to have been exercised, being six months from the date of transfer, i.e., 6 months from 01.03.1969.

3. The sum and substance of the writ petition is that some of the employees have missed the bus and thus wish to have the benefit of the option extended to them beyond the effective date as set out under Section 12A of the Act.

4. The case of the petitioners is that they were simply unaware of the date fixed for availment of the option. They thus seek an amendment to Section 12 A that would enable them to seek the benefit contained thereunder, even beyond the effective date.

5. My attention is drawn to several representations filed by the employees and attempts at convincing the authorities of the need for such extension. In such a situation and since the petitioners and other similarly placed employees have rightly been moving the authorities concerned for the benefit canvassed by them, I see no avenue for the Court to interfere. Suffice it to say that the matter appears to be pending with the authorities at the behest of the petitioners and other similarly placed employees for long, and it would thus be appropriate that the authorities consider and pass appropriate orders upon their request as expeditiously as possible.

6. With this, this Writ Petition stands closed. No costs.

rkp

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary,
The Union of India
Ministry of Consumer Affairs,
Food and Public Distribution,
Government of India, Krishi Bhawan,
New Delhi -110 001.



2. The Secretary,
The Union of India,
Ministry of Finance, Government of India,
North Block, New Delhi -110 001.

WEB COPY

3. The Secretary,
The Union of India,
Ministry of Personnel,
Public Grievances & Pensions,
Department of Pension & Pensioners Welfare,
3rd Floor, LOK Nayak Bhavan,
New Delhi 110 003.

4. The Managing Director,
The Food Corporation of India,
H.Qrs, 16-20 Barakamba Lane,
New Delhi 110 001.

5. The Zonal Manager (South),
The Food Corporation of India,
Zonal Office, Chennai 600 006.

+1 C.C. to MR.G.ETHIRAJULU, ADVOCATE SR.NO.48370

+1 C.C. to MR.T.L.THIRUMALAISAMY, ADVOCATE SR.NO.48724

W.P. No.2817 of 2009

PM(CO)
PM(20/10/2021)
KKV/01/11/2021