



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6289 of 2021

R.Durairaj

...Petitioner

-vs-

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Commissioner of Municipal
Administration-cum-Additional Chief Secretary
to the Government,
Ezhilagam Annexe Building, VI Floor,
Chennai-600 005.
3. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
4. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George, Chennai-600 009.
5. The Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai-600 009.
6. The Commissioner and Special Officer,
Coimbatore Municipal Corporation,
Coimbatore-641 001.

...Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents herein to pass appropriate orders on the representation of the petitioner dated 30.09.2020 based on the Recommendation of the Expert Committee dated 27.11.2018 as per G.O.No.65 dated 26.02.2016 and also direct the Respondents to pass appropriate orders on the Loan / Advance to the Sanitary Workers involving in Local Bodies from their CPS Funds within the stipulated period.



For Petitioner : Mr.S.Kumara Devan

For Respondents: Mr.P.Karthikeyan
Addl. Govt. Pleader

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ORDER

The petitioner has filed this writ petition, seeking a direction to the respondents herein to pass appropriate orders on the representation of the petitioner dated 30.09.2020 based on the Recommendation of the Expert Committee dated 27.11.2018 as per G.O.No.65 dated 26.02.2016 and also direct the Respondents to pass appropriate orders on the Loan / Advance to the Sanitary Workers involving in Local Bodies from their CPS Funds within the stipulated period.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice for the Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he has been working as Driver in the Coimbatore Municipal Corporation for the last 20 years and has formed a Sangam for upliftment of Sanitary workers. It is further case of the petitioner that the Government of Tamil Nadu had introduced the Contributory Pension Scheme (CPS) vide G.O.430 Finance (Pension) Department dated 06.08.2004, as per which, the employees, who joined the Government service in regular time scale of pay on or after 01.04.2003, are governed by CPS. Sanitary workers, while cleaning septic tanks, meet their demise due to depletion of oxygen and emanation of toxic gas and they are also struggling to eke out their livelihood with their meagre amount. It is also the case of the petitioner that finally, he made a representation on 30.09.2020 to the respondents for providing loan to Sanitary Workers from their CPS Funds and a reply was received from the 5th Respondent on 12.10.2020 stating that Government would decide and issue G.O. based on the recommendation dated 27.11.2018 of the Expert Committee formed under G.O.Ms.No.65 dated 26.02.2016. It is the grievance of the petitioner that till now neither the report of the Expert Committee dated 27.11.2018 was published nor decision taken to release the loan amount to Sanitary Workers from and out of their CPS amount. Since there was no response on his representation dated 30.09.2020, he is before this Court seeking for disposal of his representation at the earliest.

4. It is not known to this Court, on what basis the petitioner seeks for release of loan from the CPS fund, when there is no statutory obligation on the part of the Government to do so, in the absence of any provision in the Government



Order dated 06.08.2004. It is no doubt true that an employee governed by GPF prior to 01.04.2003, is entitled to avail a portion of the amount as loan and the said benefit has not been extended to employees, who joined after the cut off date. Unless or otherwise the Government Order is suitably modified or repealed in toto, this Court cannot issue a blanket direction to accede to the request of the petitioner. Though the petitioner has sought for a direction to dispose of his representation dated 30.09.2020, the grant of such relief will definitely give rise to another round of litigation and this Court do not want to create an avenue to one more litigation after orders are passed on the representation.

5. Hence, the petitioner is not entitled to any relief in this petition. Accordingly, the Writ Petition is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Secretary,
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5. The Secretary to Government,
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6. The Commissioner and Special Officer,
Coimbatore Municipal Corporation,
Coimbatore-641 001.

+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.15964

+1cc to the Government Pleader, S.R.No.16265

W.P.No.6289 of 2021

RG (14/07/2021)