

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 23.03.2021  
CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN  
W.P.No.7469 of 2021

P.Yoganandham

... Petitioner

-vs-

1.The Secretary to Government of Tamilnadu,  
Rural Development and Panchayat Raj Department,  
St.George fort,  
Chennai - 600 009.

2.The Director,  
Tamilnadu Rural Development and Panchayat Raj Department,  
Panagal Maligai,  
Saidapet, Chennai - 600 015.

3.The District Collector,  
Coimbatore District,  
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to extend the benefit of old pension Scheme to the petitioner by considering the petitioner's representation, dated 09.12.2020 within a period of a time frame as fixed by this Court.

For Petitioner : Mr.Arun, for  
Mr.M.N.Balakrishnan

For Respondents: Mrs.P.Rajalakshmi,  
Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the respondents to extend the benefit of old pension Scheme to the petitioner by considering the petitioner's representation, dated 09.12.2020 within a period of a time frame as fixed by this Court.

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

3. The brief facts of the case are that the petitioner was initially appointed as a panchayat Clerk (Part-time) in

Mankkinampatti Village, Pollachi East Zone on 01.10.1983. Thereafter the petitioner has been working as the full time employer since 1991 and he retired from service after completing 37 years of service. Hence, according to the petitioner, the respondents ought to calculate 50 % of his service in Old Pension Scheme from the year 1995 in the light of the orders of this Court made in W.P.No.22461 of 2008, dated 21.02.2013 wherein this Court held that the respondents should consider the benefit rendered by the state Government stipulating the benefit of considering the 50% of the services rendered on the Part-time basis for the purpose of pensionary benefits. In this connection, the petitioner sent representations dated 09.12.2020 and 29.12.2020 through proper channel to the respondents to extend the similar benefits to him. As there is no steps taken on the representations, the petitioner is before this Court by filing the present Writ petition.

4. Considering the facts and circumstances of the case and taking into account the order of this Court made in W.P.No.22461 of 2008, dated 21.02.2013,, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 09.12.2020 in the light of the decisions made by this Court in W.P.No.22461 of 2008, dated 21.02.2013, if the facts of the case are applicable to the principle laid down in the said Writ Petition, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated

09.12.2020 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum  
To

- 1.The Secretary to Government of Tamilnadu,  
Rural Development and Panchayat Raj Department,  
St.George fort,  
Chennai - 600 009.
- 2.The Director,  
Tamilnadu Rural Development and Panchayat Raj Department,  
Panagal Maligai,  
Saidapet, Chennai - 600 015.
- 3.The District Collector,  
Coimbatore District,  
Coimbatore.

+cc to M/s.M.N.Balakrishnan,Advocate, Sr.No.18881

+cc to Govt Pleader,Advocate, Sr.No.19149

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SKY(CO)

baf 05/05/2021