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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14132 of 2021

V. Bhaskar

...Petitioner

Vs

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 9.
2. The Director of Town Panchayat,
M.R.C. Nagar,
Chennai - 28
3. The Executive Officer,
Podaturpettai Town Panchayat,
Thiruvallore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 18.1.2021 regarding cancellation of enrolment in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and for the refund of subscription recovered from the petitioner towards New Contributory Pension Scheme and as per Rule 11(4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and in the light of the orders of Hon'ble High Court Full Court Judgment in W.A. No.158 of 2016 dated 3.12.2019 within a time limit.

For petitioner

... Mr.A.Baskaran

For respondents

... Mr.C.Kathiravan,
Govt. Advocate



ORDER

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

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2. The petitioner has filed this writ petition seeking for a Mandamus to direct the to consider and pass orders on the petitioner's representation dated 18.01.2021 regarding cancellation of enrolment in the newly introduced Contributory Pension Scheme and to bring the petitioner under Old Pension Scheme and for the refund of subscription recovered from the petitioner towards New Contributory Pension Scheme.

3. According to the petitioner as per Rule 11(4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and in the light of the orders of the Hon'ble Full Bench judgment of this Court, dated 03.12.2019 in W.A. No.158 of 2016, the petitioner is eligible to fall under the old pension scheme. The petitioner has given a representation on 18.01.2021 to the first respondent requesting them to consider his case, whereby he has requested the first respondent to place the petitioner under the old pension scheme. Admittedly, the said representation has not been considered till date.

4. Heard Mr.A. Baskaran, learned counsel for the petitioner and Mr.C.Kathiravan, learned Government Advocate accepts notice on behalf of the 1st respondent.

5. No prejudice would be caused to the respondents, if the representation of the petitioner, dated 18.01.2021 is considered on merits and in accordance with law.

6. For the foregoing reasons, without going into the merits of the case, this Court directs the first respondent to consider the petitioners' representation, dated 18.01.2021 in the light of Rule 11 (4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and in the light of the orders of the Hon'ble Full Bench judgment of this Court, dated 03.12.2019 in W.A. No.158 of 2016 and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai - 9.
2. The Director of Town Panchayat,
M.R.C. Nagar,
Chennai - 28.
3. The Executive Officer,
Podaturpettai Town Panchayat,
Thiruvallore District.

+1cc to Mr.A.Baskaran, Advocate, S.R.No.31910

W.P. No.14132 of 2021

PCH(CO)
RLP(06/08/2021)