



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.19207, 19213, 19215 & 19216 of 2019

B.Indira	:	Petitioner in W.P.[MD]No.19207/19
R.Pattan	:	Petitioner in W.P.[MD]No.19213/19
R.Ramesh	:	Petitioner in W.P.[MD]No.19215/19
S.Suresh Kumar	:	Petitioner in W.P.[MD]No.19216/19

Vs.

1.The Registrar General,
The Hon'ble Madras High Court,
Chennai - 04.

2.The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.

3.The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.

... Respondents

W.P.[MD]No.19207,19213&19216/19

1.The Registrar General, The hon'ble Madras High Court, Chennai-104.

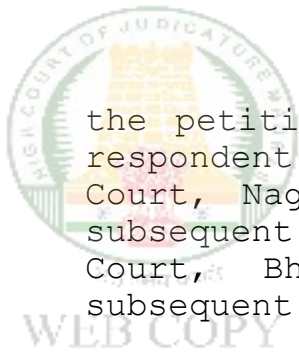
2.The Principal District and Sessions Judge, Kanyakumari District at Nagercoil.

3.The Principal Subordinate Judge, Padmanabhapuram, Kanyakumari District.

...Respondent in WP(MD).192152019

PRAYER in W.P.[MD]No.19207 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Sweeper (Part Time) on 10.11.1997 in the third respondent Additional District Judge-cum-Chief Judicial Magistrate's Court, Nagercoil, Kanyakumari District including the petitioner's subsequent absorption as Office Assistant in Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District on 16.02.2007 and subsequent entire service periods till his retirement.

PRAYER in W.P.[MD]No.19213 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of



the petitioner as Gardener (Part Time) on 10.01.2001 in the third respondent Additional District Judge-cum-Chief Judicial Magistrate's Court, Nagercoil, Kanyakumari District including the petitioner's subsequent absorption as Office Assistant in Judicial Magistrate Court, Bhoothapandy, Kanyakumari District on 16.02.2007 and subsequent entire service periods till his retirement.

PRAYER in W.P.[MD]No.19215 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Sweeper (Part Time) on 01.11.2001 in the District Munsif Court, Padmanabhapuram, including the petitioner's subsequent absorption as Office Assistant in the third respondent Principal Subordinate Court, Padmanabhapuram, Kanyakumari District on 03.02.2007 and subsequent entire service periods till his retirement.

PRAYER in W.P.[MD]No.19216 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Sweeper (Part Time) on 10.01.2001 in the Judicial Magistrate Court, Padmanabhapuram, Kanyakumari District including the petitioner's subsequent absorption as Office Assistant in Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District on 16.02.2007 and subsequent entire service periods till his retirement.

For Petitioner : M.S.Xavier Rajini
For Respondents : Mr.K.Samidurai
[In all Writ Petitions]

COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard MrS.Xavier Rajini, learned Counsel appearing for the petitioners and MR.K.Samidurai, learned Counsel appearing for the respondents.

3.The petitioners seek for Writs of Mandamus, directing the respondents to place them under the Old Pension Scheme based on their initial dates of appointment as part time employees.

4.In the light of the decision in the case of the **Government of Tamil Nadu Vs. R.Kaliyamoorthy** reported in (2020) 2 MLJ 369, the

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



relief sought for by the petitioners cannot be granted. However, it is open to the petitioners to work out their remedy in the manner known to law, in the event the Government of Tamil Nadu takes a policy decision in the matter.

5. Accordingly, the Writ Petitions stand dismissed. In the event of the policy decision being taken, the dismissal of these writ petitions will not be a hindrance for the petitioners to get any benefit under the policy decision. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

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

To

1. Registrar General,
The Hon'ble Madras High Court,
Chennai - 04.
2. The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.
3. The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
4. The Principal Subordinate Judge, Padmanabhapuram
Kanyakumari District.

+4 CC to M/s.S.XAVIER RAJINI, Advocate (SR-19474[F] dated 17/06/2021)

W.P.[MD]Nos.19207, 19213, 19215 & 19216 of 2019
16.06.2021

KB(28.06.2021) 3P 9C