



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No.1282 to 1285, 5497 of 2018

S.Paulraj	.. Petitioner in WP(MD) No.1282 of 2018
S.Arumugam Asari	.. Petitioner in WP(MD) No.1283 of 2018
V.Swami Dhas	.. Petitioner in WP(MD) No.1284 of 2018
A.Alphonse	.. Petitioner in WP(MD) No.1285 of 2018
Saroja	.. Petitioner in WP(MD) No.5497 of 2018

Vs.

1.The Director,
Local Fund Audit,
Chennai -108

2.The Director of Panchayat,
Government of Tamil Nadu,
Chennai-108.

3.The District Collector,
Kanyakumari District,
Nagercoil.

..respondents in all Wps.

4.The Executive Officer,
Karungal Selection Grade Panchayat,
Karungal,
Kanyakumari District.

.. 4th Respondent WP(MD) No.1282 of 2018

5.The Executive Officer,
Thalakudi Town Panchayat,
Thalakudi,
Kanyakumari District.

.. 4th Respondent WP(MD) No.1283 of 2018

6.The Executive Officer,
Villukuri Town Panchayat,
Villukuri,
Kanyakumari District.

.. 4th Respondent WP(MD) No.1284 of 2018

7.The Executive Officer,
Eraniel Town Panchayat,
Eraniel,
Kanyakumari District.

.. 4th Respondent WP(MD) No.1285 of 2018



8.The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.

.. 4th Respondent WP(MD) No.5497 of 2018

Prayer in WP(MD) No.1282 of 2018: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner under the Old Pension Scheme by considering the petitioner's representation dated 15.06.2017.

Prayer in WP(MD) No.1283 of 2018: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner under the Old Pension Scheme by considering the petitioner's representation dated 18.09.2017.

Prayer in WP(MD) No.1284 of 2018: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner under the Old Pension Scheme by considering the petitioner's representation dated 18.09.2017.

Prayer in WP(MD) No.1285 of 2018: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner under the Old Pension Scheme by considering the petitioner's representation dated 18.09.2017.

Prayer in WP(MD) No.5497 of 2018: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the pensionary benefits payable to the petitioner's husband under the Old Pension Scheme till his date of death ie., on 26.09.2015 and thereafter to pay family pension for the petitioner by considering the petitioner's representation dated 12.02.2018.

For Petitioner	: Mr.M.P.Senthil
For R1 to R3	: Mr.K.S.Selvaganesan
	Standing Counsel for State
For R4	: Mr.Aayiram K.Selvakumar

COMMON ORDER

Heard Mr.M.P.Senthil, learned counsel appearing for the petitioners, Mr.K.S.Selvaganesan, learned Standing Counsel appearing for the respondents/State and Mr.Aayiram K.Selvakumar, learned Standing Counsel for the fourth respondent.



2.The petitioners have sought a Mandamus, seeking sanction of pensionary benefits under the erstwhile Pension Scheme by considering their representations dated 15.06.2017 & 18.09.2017 respectively.

3. The prayer of the petitioners is liable to be rejected on merits in view of the ratio laid down by the Hon'ble Full Bench of this Court reported in "2019 (6) CTC 705 (**Government of Tamil Nadu vs R.Kaliyamoorthy**)" to the effect that the persons who were appointed on or after the cut off date, i.e. 01.04.2003, are not liable to be granted the benefit of erstwhile Pension Scheme. The above said decision would squarely apply to the case of the petitioners and accordingly, these Writ Petitions are dismissed. No costs.

4. After disposal of the matters as above, learned counsel for the petitioner brings to my attention that W.P.(MD)No.5497 of 2018 turns upon identical facts and legal position as the present writ petitions and thus the aforesaid matter is also directed to be listed today under a Special list. Upon perusing the papers and hearing the learned counsel, it is ascertained that paragraph 3 of this order applies in full to this writ petition as well and thus this Writ Petition also stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

dn/sm

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.The Director,
Local Fund Audit,Chennai -108

2.The Director of Panchayat,
Government of Tamil Nadu,Chennai-108.

3.The District Collector,
Kanyakumari District,Nagercoil.



+1 CC to M/s.SPL.GP (SR-33945[F] dated 10/11/2021)

+5 CC to M/s.M.P. SENTHIL, Advocate (SR-33856 to SR-33860[F] dated 09/11/2021)

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09.11.2021

PS (CO)

KB(29.11.2021) 4P 10C