



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.16264 of 2016

WEB COPY

K.Palanivel

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Municipal
Administration and Water Supply
Fort St.George, Chennai-600 009.

2.The Director of Town Panchayats,
Kuralagam 4th Floor,
Chennai-600 108.

3.The Assistant Director of Town Panchayat,
Theni Region, Theni,
Theni District.

4.The Executive Officer,
Kamayakoundanpatti Town Panchayat,
Kamayakoundanpatti, Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to place the petitioner under Old pension Scheme from 20.12.2001 and onwards within a reasonable time as may be specified by this Court.

For Petitioner : Mr.E.V.N.Siva
For R1 to R3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R4 : Mr.C.Selvaraj

Order

This writ petition is filed by the petitioner to direct the respondents to place the petitioner under Old pension Scheme from 20.12.2001 onwards.

2.The case of the petitioner is that he was appointed as Sanitary Worker as per the proceedings of the fourth respondent dated 17.12.1998 and he joined duty on 21.12.1998. The petitioner has completed three years of service on 20.12.2001, but, the



petitioner's service was regularized only from 23.06.2006. Therefore, the petitioner has filed a writ petition before this Court in W.P(MD)No.11839 of 2011 and this Court, by order dated 19.06.2012 directed the first respondent to regularize the petitioner's service on completion of three years of service and further directed to pay arrears of salary from the date of regularization. Against which, the respondents have filed a writ appeal in W.A(MD)No.880 of 2012 and the same was dismissed on 17.06.2013. Pursuant to the order of this Court, the petitioner's service was regularized from 20.12.2001 onwards. In such circumstances, the State Government introduced new pension scheme called Contributory Pension Scheme with effect from 01.04.2003. Accordingly, the respondents have placed the petitioner under new pension scheme from 23.06.2006 onwards. In view of the petitioner's regularization of service with time scale of pay from 20.01.2001 onwards, he is entitled for pension under the old Pension Scheme. Hence, the petitioner has made representations to the respondents on 18.02.2016 and 23.03.2016. So far no action has been taken by the respondents. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to consider the petitioner's representation dated 23.03.2016 on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 has no serious objection for such an order being passed by this Court.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the petitioner's representation dated 23.03.2016 and pass appropriate 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.

6.With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To

- 1.The Secretary,
State of Tamil Nadu,
Department of Municipal
Administration and Water Supply
Fort St.George, Chennai-600 009.
 - 2.The Director of Town Panchayats,
Kuralagam 4th Floor,
Chennai-600 108.
 - 3.The Assistant Director of Town Panchayat,
Theni Region, Theni,
Theni District.
- +1 CC to SPL GP (SR-7804[F] dated 01/03/2021)

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KM (16.03.2021) 3P 5C