



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7323 of 2022

K.Mathiyazhagan

...Petitioner

Vs.

1.The Principal Secretary to
Government,
Finance Department, Secretariat,
Chennai - 600 009.

2.The Commissioner of Treasuries
and Accounts,
CPS Cell, Integrated Complex
for Finance Department,
5th Floor, No.571, Annasalai,
Nandhanam, Chennai - 600 035.

3.The District Collector,
Namakkal District,

4.The Tahsildar,
Tiruchengode,
Namakkal District.

5.The Principal Accountant
General (A&E),
Chennai - 600 018.

...Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the 1st respondent herein to pass appropriate orders within a limited time frame on the clarification sought by the 2nd and 4th respondent with regard to payment of Rs.6,31,997/- with interest at 8.6% per annum, towards final withdrawal of petitioner's CPS Account No.7104061, pursuant to G.O.Ms.No.93, Finance (PG-II) Department dated 26.02.2021 and issue further direction to the 2nd respondent to pass orders in this regard forthwith so as to enable the 4th respondent to draw and disburse the said amount to the petitioner.



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For Petitioner: Mr.D.Baskar

For RR1 to 4 : Mrs.S.Anitha
Special Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

The petitioner herein was recruited as Assistant by the Tamil Nadu Public Service Commission vide Memorandum No.7751/OTD-B2/96 dated 24.08.2001 and was allotted to Namakkal District. Thereafter, he was informed that the District Collector, Namakkal, surrendered the Assistant post. Subsequently, he was allotted to the same Namakkal District by Memorandum No.7751/PSD-A1/96 dated 09.07.2004. Therefore, due to the administrative delay, as he joined duty as Assistant on 22.07.2004, he was enrolled in the new Contributory Pension scheme and the monthly contribution was being recovered from his monthly salary. In this regard, a similarly placed employee has filed a writ petition in W.P.(MD).No.8931 of 2018 and the Hon'ble Madurai Bench has passed an order dated 23.04.2018 in favour of the said petitioner to consider the petitioner's request, to permit her to shift from new pension scheme to old pension scheme taking into account the date of selection and posting order given at Thanjavur unit by the selection authority, shall be considered on merits and in accordance with law and taking note of the decision rendered by this Court. Based on the aforesaid order, the Government has passed G.O.Ms.No.93 Finance (Para-II) Department dated 26.02.2021, in favour of the petitioner in W.P (MD) NO.8931/2018 and 53 others and enrolled them into the old pension scheme and GPF (TN) Scheme. Accordingly, as per the aforesaid G.O, the present writ petitioner is entitled for withdrawal of Rs.6,31,997/- along with interest at 8.6% per annum, but the said amount has not been settled by the 2nd respondent. The petitioner was retired from service on 31.12.2019 itself much before the issuance of the aforesaid G.O. But, the 2nd respondent has been delaying to issue orders in favour of the petitioner seeking unwarranted clarification from the Government. Therefore, the petitioner sent a representation on 21.02.2022 to the 1st respondent requesting to issue an order on the clarification sought by the 2nd respondent so as to enable the 4th respondent to draw and disburse the final withdrawal of his CPS Account amount of



Rs.6,31,997/- with interest from 01.01.2020 at the rate of 8.6% per annum till the date of actual disbursement. But, no order has been passed. Therefore, the petitioner has filed this writ petition before this Court seeking for a direction to the 1st respondent to pass appropriate orders in the light of the aforesaid G.O.

3. Mrs.S.Anitha, learned Special Government Pleader takes notice for the respondents 1 to 4 and she would submit that if any such representation of the petitioner was received by the respondents, the same will be considered on merits and in accordance with law.

4. In view of the above submissions and also considering the aforesaid G.O., without expressing any opinion on merits, this Court is inclined to direct the 2nd respondent to consider the petitioner's representation on its own merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1.The Principal Secretary,
Finance Department,
Secretariat,
Chennai - 600 009.

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Namakkal District.



4.The Tahsildar,
Tiruchengode,
Namakkal District.

5.The Principal Accountant General (A&E),
Chennai - 600 018.

+1cc to Mr.R.Thamarai Selvan, Advocate Sr.20892
+1cc to the Government Pleader Sr.21341

W.P.No.7323 of 2022

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srg 18/04/2022