



W.P.No.8229 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8229 of 2019

M.Jayaraman

...Petitioner

Vs.

- 1.The Director of Town Panchayats,
O/o.The Director of Town Panchayats,
Kuralagam, Chennai – 600 018.
- 2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai 606 602.
- 3.The Assistant Director of Town Panchayat,
Vellore Region,
Vellore – 632 001.
- 4.The Executive Officer,
Vettavalam Town Panchayat,
Vettavalam,
Tiruvannamalai 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 sanction the



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Petitioner's pension and retirement benefits on the basis of the orders passed by the 1st and 4th Respondent in Na.Ka.No.9791/2007 A3 dated 18.04.2011 and Na.Ka.No.620/2008 dated 20.04.2011 respectively and also the representation of the petitioner dated 05.03.2019.

For Petitioner : Mr.G.Mohan for
M/s.S.Kumara Devan

For Respondents : Mr.R.L.Karthika
Government Advocate for R1 to R3

Ms.V.Nandhini
for Mrs.A.Srijayamathi for R4

ORDER

The relief sought for in the present writ petition is to direct the respondents to sanction pension to the petitioner and all other retirement benefits.

2.The petitioner was appointed as daily wage employee as a Street Light Maintenance Worker in the year 1986 and thereafter, he was brought under the time scale of pay from the year 2006 onwards. The time scale of pay was granted to the writ petitioner pursuant to the Government Order issued in G.O.(MS).No.60, Rural Development Department dated 23.06.2006. Accordingly,



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the Executive Officer, Vettavalam Town Panchayat issued consequential order dated 20.04.2011, stating that the petitioner is brought under the time scale of pay w.e.f. 23.06.2006 and he was posted as temporary employee. However, the petitioner reached the age of superannuation on 30.06.2009 itself. Since the petitioner was brought under the regular establishment in the time scale of pay in proceedings dated 20.04.2011. Pursuant to the Government Order issued in G.O.(MS).No.60, Rural Development Department dated 23.06.2006, he is found eligible to avail the pensionary benefits under the New Pension Scheme i.e., Contributory Pension Scheme.

3.Since the petitioner was brought under the regular time scale of pay after 01.04.2003, he is not eligible to claim pension under the Tamil Nadu Pension Rules, 1978. However, the petitioner would be eligible to get benefits under the Contributory Pension Scheme.

4.The learned counsel for the petitioner made a submission that subscriptions were not recovered from the petitioner during the relevant point of time. The Contributory Pension Scheme benefits are also yet to be settled.



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5. Under these circumstances, it is made clear that the petitioner is not entitled for pension under the Tamil Nadu Pension Rules, 1978. However, the respondents are directed to initiate steps to settle the benefits under the Contributory Pension Scheme for which the petitioner is eligible. In this regard, if the contributions are to be recovered, the said amount is to be recovered and accordingly, the benefits are to be settled in accordance with the Contributory Pension Scheme, as expeditiously as possible.

6. Accordingly, this writ petition stands disposed of. No Costs.

28.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Director of Town Panchayats,
O/o. The Director of Town Panchayats,
Kuralagam, Chennai – 600 018.



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2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai 606 602.

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S.M.SUBRAMANIAM, J.

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