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W.P. No.30475 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30475 of 2022

M. Kannaiyan

...Petitioner

VS.

1.The Secretary to Government,
Handloom, Handicrafts,
Textiles & Khadi Department,
Chennai – 9.

2. The Director of Sericulture,
Salem,
Salem District.

3. The Assistant Director of Sericulture,
Pennagaram,
Dharamapuri District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 22.05.2022 for cancellation of enrolment in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from the petitioner towards New Contributory Pension scheme by extending the benefits granted to a similarly placed persons in G.O. Ms. No.259, Municipal Administration and Water Supply Department, dated 17.6.2016 based on the orders of this Hon'ble Court in W.P. (MD) No.16049/2014, dated 16.2.2015 and G.O. Ms. No.364 Municipal Administration and Water Supply



W.P. No.30475 of 2022

Department dated 14.9.2017 based on the orders of this Hon'ble Court in W.A. No.357/2013 dated 3.4.2013.

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For petitioner : Mr.A. Baskaran
For respondents : Mr.M. Muthusamy,
Government Advocate

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.M. Muthusamy, learned Government Advocate accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to consider the petitioner's representation, dated 20.05.2022 seeking for cancellation of his enrolment in the newly introduced Contributory Pension Scheme and to bring him under the Old Pension Scheme and to refund the subscription already recovered from him towards New Contributory Pension Scheme by extending the benefits granted to similarly placed persons in G.O. Ms. No.259, Municipal Administration and Water Supply Department, dated 17.6.2016 filed for implementation of G.O. Ms. No.142 Municipal Administration and Water Supply (TP1) Department dated 23.9.2015.



W.P. No.30475 of 2022

4. According to the petitioner, similarly placed persons were brought under the Old Pension Scheme by considering G.O. Ms. No.259, Municipal Administration and Water Supply Department, dated 17.6.2016, based on orders of this Court in W.P. (MD) No.16049 of 2014, dated 16.2.2015 and G.O. Ms. No.364 Municipal Administration and Water Supply Department, dated 14.09.2017, based on orders passed by the Division Bench of this Court in W.A. No.357 of 2013, dated 03.04.2013. The petitioner has given a representation, dated 20.05.2022 for the said purpose. Since the representation has not been considered, till date, he has filed this writ petition.

5. Heard Mr.A.Baskaran, learned counsel for the petitioner and Mr.M.Muthusamy, learned Government Advocate for the respondents.

6. The petitioner has filed documents including G.O. Ms. No.259, Municipal Administration and Water Supply Department, dated 17.6.2016 and G.O. Ms. No.364 Municipal Administration and Water Supply Department, dated 14.09.2017 and the orders passed by this Court in W.P. (MD) No.16049 of 2014, dated 16.2.2015 and W.A. No.357 of 2013, dated 03.04.2013 along with this writ petition. It is for the respondents to consider whether the petitioner can be brought under the Old Pension Scheme based on the said documents / orders. The



W.P. No.30475 of 2022

petitioner has given a representation, dated 20.05.2022 to bring him under the Old Pension Scheme instead of the newly introduced Contributory Pension Scheme.

7. Heard Mr.A.Baskaran, learned counsel for the petitioner, Mr.M.Muthusamy, learned Government Advocate for the respondents.

8. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

9. For the foregoing reasons, this Court directs the 1st and 2nd respondents to pass final orders on the petitioner's representation, dated 20.05.2022 seeking for cancellation of his enrolment in the newly introduced Contributory Pension Scheme and to bring him under the Old Pension Scheme and to refund the subscription already recovered from the petitioner towards New Contributory Pension scheme by implementing G.O. Ms. No.259, Municipal Administration and Water Supply Department, dated 17.6.2016 based on the orders of this Court in W.P. (MD) No.16049/2014, dated 16.2.2015 and G.O. Ms. No.364 Municipal Administration and Water Supply Department dated 14.9.2017 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P. No.30475 of 2022

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No costs.

17.11.2022

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To
1. The Secretary to Government,
Handloom, Handicrafts,
Textiles & Khadi Department,
Chennai – 9.

2. The Director of Sericulture,
Salem,
Salem District.

3. The Assistant Director of Sericulture,
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Dharamapuri District.



WEB COPY



W.P. No.30475 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. No.30475 of 2022

17.11.2022

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