



W.P.No.31649 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.31649 of 2022

K.Thirupathi

.. Petitioner

Vs.

1.The Secretary to Government
Municipal Administration and Water
Supply Department
Fort St.George, Chennai - 600 009.

2.The Director of Town Panchayat
M.R.C. Nagar, Chennai - 600 028.

3.The Executive Officer
Chengam Selection Grade Town Panchayat
Thiruvannamalai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 06.07.2022 regarding cancellation of enrolment in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and for the refund of subscription recovered from the petitioner towards New Contributory Pension Scheme and as per Rules



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11(4) of the Tamil Nadu Pension Rules as amended in G.O.Ms.No.41 Finance (Pension) Department dated 09.02.2010 and in the light of the orders of the Hon'ble High Court Full Court Judgement in W.A.No.158 of 2016 dated 03.12.2019 within a time limit to be prescribed by this Court.

For Petitioner : Mr.A.Baskaran

For Respondents : Mr.M.Shajahan
Special Government Pleader
for R1 & R2
Mr.S.Rajesh
Government Advocate for R3

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2. The petitioner has filed this writ petition seeking for a Mandamus to direct the first respondent to consider and pass orders on the petitioner's representation dated 06.07.2022 regarding cancellation of enrolment in the newly introduced Contributory Pension Scheme and to bring the petitioner under Old Pension Scheme and for the refund of subscription recovered from the petitioner towards New Contributory Pension Scheme.



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3. According to the petitioner as per Rule 11(4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and in the light of the orders of the Hon'ble Full Bench judgment of this Court, dated 03.12.2019 in W.A.No.158 of 2016, the petitioner is eligible to fall under the old pension scheme. The petitioner has given a representation on 06.07.2022 to the first respondent, requesting them to consider his case, whereby he has requested the first respondent to place him under the old pension scheme. Admittedly, the said representation has not been considered till date.

4. Heard Mr.A.Baskaran, learned counsel for the petitioner. Mr.M.Shajahan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2, and Mr.S.Rajesh, learned Government Advocate accepts notice on behalf of the third respondent.

5. No prejudice would be caused to the respondents, if the representation of the petitioner, dated 06.07.2022 is considered on merits and in accordance with law.



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6. For the foregoing reasons, without going into the merits of the case, this Court directs the first respondent to consider the petitioner's representation, dated 06.07.2022 in the light of Rule 11 (4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and in the light of the orders of the Hon'ble Full Bench judgment of this Court, dated 03.12.2019 in W.A.No.158 of 2016 and pass final 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.

7. With the aforesaid direction, the writ petition stands disposed of. No costs.

25.11.2022

Speaking Order/Non-speaking Order
Index : Yes / No
ds

To:

1.The Secretary to Government



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ABDUL QUDDHOSE.J.,

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