



W.P. No.34532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.34532 of 2022

D.Kumaran

... Petitioner

Vs

1 The Additional Secretary
Finance Department
Fort St. George, Chennai.

2 The Director
Local Fund Audit
Saidapet, Chennai.

3 The Chairman
Tamilnadu Public Service Commission
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents to appoint the petitioner notionally as Assistant Inspector with effect from October 2001 on par with his colleagues so as to enable the petitioner to be covered by the old pension rules in the light of the representation dated 23.12.2021.

For Petitioner : Mr.V.Vijay shankar

For Respondents : Mr.R.V.Dinesh Raj Kumar,
for respondents



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The learned counsel for the petitioner in this writ petition states that though he was selected as Assistant Inspector in October, 2001 itself, his appointment order was issued by the respondents only on 05.11.2003. According to him if his appointment order was issued in October, 2001 itself, he would have come under the old pension scheme.

2. According to him, only due to the delay in issuance of the appointment order, he is not getting the benefit of the old pension scheme.

3. However, learned Additional Government Pleader appearing for the respondents would submit that there was a dispute with regard to the petitioner's community certificate and the appointment order was therefore issued only on 05.11.2003.

4. According to the learned Additional Government Pleader, the petitioner was not selected in October, 2001, as claimed by him in this writ petition. However, the same is disputed by the learned counsel for the petitioner.

5. The petitioner has given a representation on 23.12.2021 to the respondents requesting them to cover him under the Old Pension Rules



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on the ground that he was selected in October, 2001 itself. Since the representation has not been considered till date, he has filed this writ petition.

6. No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first and second respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 23.12.2021, requesting the respondents to cover him under the Old Pension rules on par with his colleagues within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition stands disposed of.

No costs.

23.12.2022

Index : Yes / No
Internet : Yes/ No
mrn



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ABDUL QUDDHOSE, J.

(mrn)

To

- 1 The Additional Secretary
Finance Department
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- 2 The Director
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Saidapet, Chennai.
- 3 The Chairman
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Chennai.

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