



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.04.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.17915 of 2020

L.Chandrasekaran

... Petitioner

-vs-

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600009.
2. The Director of Town Panchayat,
Urban Administrative Building,
M.R.C.Nagar, R.A.Puram, Chennai - 600028.
3. The Director of Local Fund Audit Department,
Integrated Finance Offices Complex,
Back Side of Veterinary Hospital,
Nandanam, Chennai - 600035.
4. The Executive Officer,
Suchindrum Selection Grade Town Panchayat,
Suchindram - 629704,
Kanyakumari District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent i.e., Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai relating to கடித எண்.21720/பேரூ.1/2019-5 நாள் 26.08.2020 and quash the same and consequently direct the first respondent i.e., the Principal Secretary to Government, Municipal Administration and Water Supply Department, Chennai to Sanction pension under Old Pension Scheme counting 50% of services put in by the petitioner on daily wage i.e., from 10.12.1985 to 26.08.2001 and on consoldated pay from 27.08.2001 to 26.08.2004 and the full services put in by him in the regular time scale of pay i.e., from 27.08.2004 to 31.05.2016 within a specified time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For R1 to R3	:	Mr.A.K.Manikkam
		Special Government Pleader
For R4	:	Mr.B.Saravanan



O R D E R

The grievance of the writ petitioner is that though he was initially appointed prior to 01.04.2003 on temporary basis, he was not considered for inclusion in the General Provident Fund Scheme, that is, Old Tamil Nadu Pension Scheme. The representation submitted by the petitioner in this regard was rejected by the 1st respondent. Thus, the petitioner is constrained to move the present writ petition.

2. The learned Special Government Pleader brought to the notice of this Court that the service of the petitioner was regularised in the sanctioned post only with effect from 27.04.2004, that is, after the crucial date on 01.04.2003 and therefore, the petitioner is not eligible for the benefits under the Old Tamil Nadu Pension Scheme, but he is eligible under the New Pension Scheme, that is, Contributory Pension Scheme. This being the factum, which is not seriously disputed between the parties, it is suffice if a direction is issued to consider the case of the petitioner for grant of Contributory Pension Scheme benefits. Accordingly, the respondents are directed to consider the case of the petitioner based on his service records and accordingly, pass appropriate order. If otherwise the petitioner is eligible for the benefit of Contributory Pension Scheme, which is a New Pension Scheme, the respondents are directed to settle the benefits as per the Rules in force as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

3. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600009.

2. The Director of Town Panchayat,
Urban Administrative Building,
M.R.C.Nagar, R.A.Puram, Chennai - 600028.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Director of Local Fund Audit Department,
Integrated Finance Offices Complex,
Back Side of Veterinary Hospital,
Nandanam, Chennai - 600035.

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4. The Executive Officer,
Suchindrum Selection Grade Town Panchayat,
Suchindram - 629704,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-23352[F] dated 04/05/2022)

W.P. (MD) No.17915 of 2020
Date:29.04.2022

SA(25.05.2022) 3P 6C