



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.22502 of 2019

Varghees

... Petitioner

**Vs.**

- 1.The Principal Secretary to Government,  
Municipal Administration and Water  
Supply Department,  
Fort St.George,  
Chennai-600 009.
- 2.The Director of Town Panchayat,  
Town Panchayat Directorate,  
Kuralagam,  
NSC Bose Road,  
Chennai-600 108.
- 3.The Assistant Director of Town Panchayat,  
Kanyakumari District,  
Office at Collectorate,  
Nagercoil-629 001.
- 4.The Executive Officer,  
Nallur Town Panchayat,  
Kanyakumari District.
- 5.The Accountant General (A&E),  
A.G's Office Complex,  
No.361, Anna Salai,  
Chennai-18.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to pass appropriate orders to disburse the service benefits payable to the petitioner such as DCRG, EPF, SPCPF and etc. and to grant pension calculating the entire service period from 14.10.1985 to 31.10.2013 on the proposal sent by the fourth respondent herein dated 12.11.2013 within a time frame fixed by this Court.



For Petitioner : Mr.K.P.Krishna Doss  
For Respondents : Mr.N.Satheesh Kumar  
Additional Government Pleader  
for RR1 to 3  
Mr.A.Thiyagarajan for R4  
Mr.P.Gunasekaran for R5

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**O R D E R**

The relief sought for in the present writ petition is to direct the respondents herein to pass appropriate orders to disburse the service benefits payable to the petitioner.

2. The petitioner was appointed as Water Supply Attendant in Ezhuthesam Town Panchayat on 14.10.1984 on daily wage basis. However, his services were regularised with effect from 23.06.2006. Till such time, the petitioner was working as daily wage employee. The petitioner became a member of CPS Scheme [New scheme] and his CPS Number is 927122. When the petitioner became the member of CPS Scheme as he was regularly appointed into service on 23.06.2006, the petitioner is not entitled to claim the benefit of old Tamil Nadu Pension Rules. The petitioner attained the age of superannuation and retired from service on 31.10.2013. The present writ petition has been filed in the year 2019. The petitioner was aware of the fact that he was appointed after the crucial date (i.e.,) on 01.04.2003 and he is the member of CPS Scheme which is a new Pension scheme. The petitioner has also contributed under the new scheme.

3. This being the factum, the petitioner, after a lapse of many years, cannot turn around and claim the benefits of old Pension Scheme. Thus, the petitioner is eligible to get the benefits under the new Pension Scheme [CPS Scheme]. It is brought to the notice of this Court that the benefits under CPS Scheme have already been settled in favour of the petitioner. If any grievance exists under the new Pension Scheme, the petitioner is at liberty to approach the Competent Authority.

4. With these observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



**To**

- 1.The Principal Secretary to Government,  
Municipal Administration and Water  
Supply Department,  
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Chennai-600 009.
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**W.P. (MD) No.22502 of 2019**

**Date:26.04.2022**

SA(12.05.2022) 3P 4C