



W.P.(MD)No.27314 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.27314 of 2022

K.Selvaraj

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Personal and Administrative Reforms Department,
Chennai - 600 009.

2.The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Melapalayam,
Tirunelveli.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, direct the second respondent to
consider the petitioner's representation, dated 10.11.2022, seeking to declare



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the petitioner age of superannuation as 60 years in the light of
G.O.Ms.No.29 (P & AR) Department, dated 25.02.2021.

For Petitioner : Mr.K.Sankar
For R1 : Mr.K.Christy Theboral
Additional Government Pleader
For R2 : Mr.S.Sivanesan
Standing Counsel

ORDER

This writ petition has been filed to direct the second respondent to consider the petitioner's representation, dated 10.11.2022, seeking to declare the petitioner age of superannuation as 60 years in the light of G.O.Ms.No.29 (P & AR) Department, dated 25.02.2021.

2. The learned counsel appearing for the petitioner submitted that the petitioner joined service as a Sales Assistant in Tamil Nadu State Marketing Corporation Limited (in short TASMAL) in the year 2004 and he is working as Sales Assistant in Thiruvankadam Town Shop for past 18



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years without any remarks. In the meantime, the second respondent orally informed that he is going to attain superannuation on 04.01.2023 on completion of 58 years. Immediately the petitioner approached the respondents on 10.11.2022 along with G.O.Ms.No.29 (P& AR) Department, dated 25.02.2021, wherein the State Government increased the age of superannuation from 58 to 60 years. In order to avail such benefits, the petitioner made a representation to the respondents and the same was not considered and hence, the present writ petition is filed.

3. The learned counsel for appearing the petitioner further submitted that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 10.11.2022 and pass appropriate orders within the time limit, stipulated by this Court.

4. The learned Standing Counsel appearing for the second respondent submitted that this G.O.Ms.No.29 dated 25.02.2021 applicable only to the Government employees, who is going to receive pension and other terminal benefits. However, in the present case, the petitioner is



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working as a Salesman and received consolidated pay in the TASMAC Shop and he is not coming under the purview of the pensioner's on par with the State Government employee. Accordingly, he prayed for dismissal.

5. Considering the limited request made by the learned counsel for the petitioner, this Court directs the second respondent to consider the petitioner's representation, dated 10.11.2022 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Speaking Order : Yes / No

RM



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To

1. The Secretary to Government,
Personal and Administrative Reforms Department,
Chennai - 600 009.

2. The District Manager,
Tamil Nadu State Marketing
Corporation Limited (Tasmac),
Melapalayam,
Tirunelveli.



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M.DHANDAPANI,J.

RM

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