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W.P.No.3919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3919 of 2023

G.Sundaramurthy

... Petitioner

VS.

1.The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St.George, Chennai – 9.

2.The Director of Town Panchayat,
M.R.C.Nagar, Chennai – 28.

3.The Executive Officer,
Panapakkam First Grade Town Panchayat,
Ranipettai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 31.12.2022 for cancellation of enrollment in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from the petitioner salary August 2011 to 30.04.2020 towards New Contributory Pension Scheme and to extend the benefit of (Old Pension Scheme) implementing G.O.Ms.No.259 Municipal Administration and Water Supply Department, dated 17.06.2016 in the light of the reported Judgment in 2014 (2) CTC Page 777 in Judgment of Division Bench Order dated 30.09.2015 in



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W.A.(MD)No.1026 of 2015 based on the orders of this Hon'ble Supreme Court in C.C.No.6126 of 2016 in 08.04.2016 and implementing G.O.Ms.No.364 Municipal Administration and Water Supply Department, dated 14.09.2017 in the light of the orders of this Court in W.A.No.357 of 2013 dated 03.04.2013.

For Petitioner : Mr.A.Baskaran

For Respondents : Mr.E.Sundaram
Government Advocate - for R1 & R2
Mr.K.Karthik Jeganath
Government Advocate - for R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 31.12.2022, wherein, the petitioner has requested for bringing him under the Old Pension Scheme and to refund the subscription/contribution already recovered from the petitioner towards the Old Pension Scheme.

2.The case of the petitioner is that he was appointed as a Head Water Tank Operator in the year 1994 on daily wages basis. He was brought into regular time scale of pay with effect from 23.06.2006. The grievance of the petitioner is that the petitioner is entitled to be considered under the Old Pension Scheme, since he has already joined duty even prior to 01.04.2003. However, the petitioner has been brought under the New Pension Scheme, since he was regularized only on



23.06.2006. In view of the above, the petitioner made a representation on 31.12.2022 to the respondents and requested the petitioner to be brought within the Old Pension Scheme. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.A.Baskaran, learned counsel for the petitioner, Mr.E.Sundaram, learned Government Advocate appearing for 1st and 2nd respondents and Mr.K.Karthik Jeganath, learned Government Advocate appearing for the third respondent.

4.Considering the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the first respondent to consider the representation made by the petitioner on 31.12.2022, on its own merits and in accordance with law and in line with the earlier orders passed by this Court and a decision shall be taken, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the second respondent.



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N. ANAND VENKATESH, J.

SSR

5.This writ petition is disposed of with the above directions. No Costs.

13.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
sp/ssr

To

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Municipal Administration and Water Supply
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