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W.P.No.17964 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.17964 of 2020

T.M.S.Balaraman

...

Petitioner

versus

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Co-operative Food and
Consumer Protection Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Registrar of Cooperative Societies,
No.178, E.V.R.Periyar Salai,
Kilpauk,
Chennai - 600 010.

3.The Deputy Registrar of Cooperative Societies,
Krishnagiri Circle,
Krishnagiri.

4.The General Accounts Auditor (A&E),
No.36, Annasalai, Teynampet,
Chennai - 600 018.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 05.02.2020 and 21.09.2020 and thereby direct the respondents to grant the pension to the petitioner under the old pension scheme.

For Petitioner	:	Mr.B.Gopalakrishnan
For Respondent Nos.1 to 3	:	Mr.T.Chezhian Additional Government Pleader
For Respondent No.4	:	Mr.V.Arunachalesh

ORDER

The petitioner has filed this petition seeking for a writ of mandamus, directing the respondents to consider his representations dated 05.02.2020 and 21.09.2020 for granting pension to him under the old pension scheme.

2. The petitioner was appointed as Junior Inspector of Cooperative Societies in the respondents Department on a temporary basis under Rule 10(a)(i) of the General Rules of State and Subordinate Services [now Section 17 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016]. On 10.11.1989, the Government Order in G.O.Ms.No.271 has been issued for conducting special qualifying examination for temporary Junior Inspectors like the petitioner. On 20.12.2005, another Government Order has been issued in G.O.Ms.No.445



for regularising the services of 21 temporary Junior Inspectors, who were working as Junior Cooperative Auditors and they were regularised.

3. In the light of G.O.Ms.No.445, the Court has given a direction in W.P.No.28269 of 2006 to the Government to consider the petitioner's issue also. Thereafter, the petitioner and other similarly placed persons had filed Writ Petitions in W.P.Nos.25223 of 2008 and 11322 of 2009 and the same were allowed. The appeal preferred by the respondents in W.A.Nos.2390 and 2008 of 2010 were also dismissed. The SLP filed challenging the order of the appellate courts were also dismissed.

4. The petitioner filed W.P.No.2762 of 2013 seeking for a direction to the respondents to reappoint him as Junior Inspector and that has been allowed. Now the petitioner has sent representations to the respondents on 05.02.2020 and 21.09.2020 requesting to grant pension to him under the old pension scheme. Since the representations of the petitioner were not considered, he has filed this petition seeking a mandamus.



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5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner was never in permanent service and hence he is not eligible for getting pension under the old pension scheme from 16.10.1989 to 10.10.1990. The petitioner was not in continuous service and the services of those, who passed the special qualifying examination were not regularised. Since the petitioner was not a regularised employee, he is not eligible to get the pension benefits under the Tamil Nadu Pension Rules, 1978.

6. The petitioner's request that his petition should be considered for granting pension under the old pension scheme itself is fundamentally wrong. So far as the other wages liable to be paid to the petitioner are concerned, the respondents are said to have paid the same to the petitioner on 02.01.2020. The learned counsel for the petitioner also did not deny the fact.

7. Hence, this Writ Petition is disposed and direct the respondents to consider the representations of the petitioner dated 05.02.2020 and 21.09.2020 and pass appropriate orders, on merits and in accordance with



law, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

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11.10.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

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Consumer Protection Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Registrar of Cooperative Societies,
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R.N.MANJULA, J.

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