



W.P.No.10164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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1. Rajendiran
2. Nagamuthu
3. Veerappan
4. Govindhu
5. Nagarajan
6. Krishnamurthy
7. Ramesh
8. Gnanasekaran
9. Prithiviraj
10. Varadarasu
11. Selvavinayagam
12. Senthil Kumar
13. Vinayagamurthy
14. Mariyalouis
15. Saravanan

...Petitioners

Vs

1. The Director,
Local Administration Department,
Pudhucherry -1
2. The commissioner,
Villanur commune Panchayat,
Villanur, Puducherry – 605 110.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to grant pensionary benefits to the petitioners under Old Pension Scheme by taking into account their date of conversion from part time multipurpose workers to daily rated multi purpose workers in the year 2003 a their date of appointment for the purpose of grant of pensionary benefits under Old Pension Scheme and pass orders.

For Petitioner : Mr.D. Seenivasan

For Respondent : Mr. A. Tamil Vanan
Additional Government Pleader

ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the respondent to grant pensionary benefits to the petitioners under Old Pension Scheme by taking into account their date of conversion from part time multipurpose workers to daily rated multi purpose workers in the year 2003 a their date of appointment for the purpose of grant of pensionary benefits under Old Pension Scheme and pass orders.

2. The facts of the case is that the petitioners joined as part time workers in the respondent organisation on 13.10.1999. All the petitioners



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were regularized during 01.03.2003 except the 12th and 13th petitioners and the 12th and 13th petitioners were regularized on 10.06.2002. All the petitioners were absorbed as permanent workers in the year 2012. The grievance of the petitioners is that as they have regularized in the year 2012 they are eligible for the old pension scheme, whereas the respondents have considered them for new pension scheme. Aggrieved over the same the petitioners have given representation to the second and first respondents on September 2019 and October 2019 respectively. However, there was no progress till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that the petitioners were converted into daily rated workers in the year 2003 itself and ever since they are continuously serving in the said post and was regularized in the year 2012. Hence, they are eligible for old pension scheme and prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that as the benefit of Old Pension Scheme and GPF is admissible only to those Casual workers who are covered under the scheme of 1993. However, they will consider the case of the



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petitioners and pass orders on merits and in accordance with law.

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5. Heard both sides and perused the materials available on record.

7. Considering the facts of the case and taking note of the submissions made by either side, directs the respondents to consider the representation of the petitioners and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this Order

8. With the above observations this writ petition stands disposed of. No order as to costs.

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Index: Yes/No
Speaking order/Non-speaking order
smn

To.



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V.BHAVANI SUBBAROYAN,J.

smn

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