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Writ Petition No.31907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31907 of 2024

G.Nagaraj

S/o.R.Govindan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai - 600 002.

2.The Secretary to Government,
Finance (Pension) Department,
Fort St.George, Chennai - 600 009.

3.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
144, Anna Salai, Chennai - 600 002.

4.The Superintending Engineer,
Chennai Electricity Distribution Circle (CEDC) West,
TANGEDCO, Tamil Nadu Electricity Board,
Thirumangalam, Chennai - 600 040.

5.The Accountant General,
DMS Campus,
Teynampet, Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of
India seeking issuance of a Writ of Mandamus directing the respondents



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to consider the representation of the petitioner dated 01.10.2024 and bring the petitioner under old pension scheme prevailed prior to implementation of contributory pension scheme by transferring the petitioner from contributory pension scheme to old pension scheme.

For Petitioner : Mr.V.Kasinatha Bharathi
For Respondents : Mr.David Sundar Singh
Standing Counsel [R1 to R4]
Mrs.J.Sreevidya [R5]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the first respondent to consider the representation made by the petitioner on 01.10.2024 wherein the petitioner is requesting for bringing him under the old pension scheme which prevailed prior to the implementation of the Contributory Pension Scheme.

2. Heard Mr.V.Kasinatha Bharathi, learned counsel for petitioner, Mr.David Sundar Singh, learned Standing Counsel appearing for respondents 1 to 4 and Mrs.J.Sreevidya, learned counsel for fifth respondent.



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3. The case of the petitioner is that he was granted compassionate appointment on 30.04.2003. As per G.O.No.259, dated 06.08.2003, the old pension scheme was cancelled and Contributory Pension Scheme was introduced to all the State Government employees with retrospective effect from 01.04.2003. The Electricity Board followed suit and issued guidelines in this regard through proceedings dated 31.01.2005. The specific case of the petitioner is that the process of appointment of the petitioner had started in the year 1996. After the demise of his father in the year 1994 and hence, the petitioner should not be denied the old pension scheme. To substantiate the same, the petitioner is relying upon some of the orders passed by this Court in W.P.No.8584 of 2021 *etc.* batch, dated 10.02.2023 and W.P.No.31684 of 2023, dated 16.07.2024.

4. The petitioner made a detailed representation in this regard on 01.10.2024. Since the same was not considered, the present writ petition has been filed before this Court seeking appropriate direction.

5. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction



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to respondents 1 and 3 to deal with the representation made by the petitioner on 01.10.2024 on its own merits and in accordance with law and in line with the earlier orders passed by this Court in W.P.No.8584 of 2021, dated 10.02.2023 and W.P.No.31684 of 2023, dated 16.07.2024 and a final decision shall be taken within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to submit a fresh representation to the respondents 1 and 3 along with all relevant documents and also a copy of this order.

This writ petition is disposed of with the above direction. No costs.

25.10.2024

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
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2.The Secretary to Government,
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3.The Chief Engineer (Personnel),
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4.The Superintending Engineer,
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N.ANAND VENKATESH, J

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