



W.P.No.28481 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE MRS.JUSTICE **N.MALA**

W.P.No.28481 of 2017

N.Ravichandran

... Petitioner

Vs.

1. The Secretary to Government
Handloom Khadi Crafts Textiles & Khadi
Department,
Secretariat, St.Fort George,
Chennai – 600 009

2. The Director of Industries & Commerce
Chennai – 600 005

3. The Chief Executive Officer
Tamilnadu Khadi & Village Indus. Board
(KVIC Board), Kuralagam,
Chennai – 600 108

... Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 04.08.2017 and pass appropriate final orders within a reasonable time frame, as may be fixed by this Court based on G.O.Ms.No.675 dated 22.09.1993 and G.O.Ms.No.54 dated 30.10.2000 and consequently, direct the respondents to grant pension for



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the regular services rendered by the petitioner in TALCO from 01.04.1987 to 31.01.2000 (for a period of 13 years) and pass further orders.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mrs.S.Anitha for R1 and R2
Special Government Pleader
M/s R.Uma for R3

ORDER

The Writ Petition is filed for an issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 04.08.2017 based on G.O.Ms.No.675 dated 22.09.1993 and G.O.Ms.No.54 dated 30.10.2000 and consequently, direct the respondents to grant pension for the regular services rendered by the petitioner in TALCO from 01.04.1987 to 31.01.2000 (for a period of 13 years).

2. The petitioner rendered services in TALCO, Public Sector Undertaking of the State Government from 01.04.1987 and retired from service on 06.08.2013 by obtaining Voluntary Retirement [VRS].

3. The petitioner moved to Khadi Board on 01.02.2000, which is the statutory Board of the Tamilnadu Government in pursuance to the amalgamation of TALCO. At the time of petitioner's voluntary retirement



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from TALCO, there was no pension scheme in force in TALCO for its employees. The Government of Tamilnadu in G.O.Ms.No.675 dated 22.09.1993 laid down certain policy guidelines for regulating terminal benefits to employees of Public Sector Undertaking / Boards absorbed in another Public Sector Undertaking Board. Though the petitioner was entitled for pension as per the aforesaid G.O., by combining services rendered by him in TALCO and the Khadi Board, the petitioner's services under TALCO was not considered as qualifying service for grant of pension in Khadi Board. It was stated by the respondents that the petitioner was not entitled to pension as he was covered by the Contributory Pension Scheme.

4. The petitioner, therefore, submitted a representation to the respondents 1 and 3 on 04.08.2017 and the same was not considered. Hence the petitioner was constrained to file the writ petition.

5. The respondents filed counter affidavit to the Writ Petition.

6. The learned counsel for the petitioner submits that the representation of the petitioner is still pending and therefore, the petitioner



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would be satisfied, if a direction is given to the respondents to dispose of the representation within a time frame.

6. In view of the limited submission of the learned counsel for the petitioner and in view of the fact that the representation of the petitioner is not disposed of till date either by the 1st or 3rd respondents, a direction is issued to the 3rd respondent to dispose of the petitioner's representation by giving opportunity of personal hearing to the petitioner. In any event, the exercise shall be completed within a period of eight weeks from the date of receipt of copy of this order. It is made clear that if the petitioner does not appear on the specified date of hearing, the respondents 1 and 3 shall decide the issue in the absence of the petitioner on merits and in accordance with law.

In view of the above the Writ Petition is disposed of. There shall be no order as to costs.

28.08.2024

Index: Yes/ No
Internet: Yes/ No
Speaking Order/ Non Speaking Order
ssd



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WEB COPY

To

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Department,
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N.MALA,J.

ssd

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