



W.P.(MD)No.12376 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12376 of 2024 &
W.M.P.(MD)No.10959 of 2024

Vasu

... Petitioner

vs.

1.The Secretary to Government,
Municipal Administration and
Supply Department, Secretariat, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
11th Floor, Urban Adminstrating Building
(Opp. CIBA BLDG 75), Raja Annamalaipuram,
Chennai, Tamil Nadu - 600 028.

3.The Regional Director of Municipal Administration,
Ram Popular Road, Manakavalam Pillai Nagar,
Tirunelveli - 627 002.

4.The Commissioner,
Aruppukkottai Municipality,
Aruppukkottai, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned final order in Na.Ka.No.5152/2023/C1 dated 03.06.2024 passed by the fourth respondent and quash the same.



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For Petitioner : Mr.R.Murugappan
For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate for R1 to R3
Mr.N.Dilip Kumar for R4

ORDER

Heard Mr.R.Murugappan, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 to 3 and Mr.N.Dilip Kumar, learned counsel appearing for the fourth respondent.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorari calling for the records of the impugned order in Na.Ka.No.5152/2023/C1 dated 03.06.2024 passed by the fourth respondent and quash the same.

3. The petitioner has earlier filed a writ petition in W.P. (MD)No.8952 of 2024, wherein, he has sought a direction against the fourth respondent to sanction his GPF amount of Rs.1,50,000/- by



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considering his GPF claim application dated 27.12.2023. In the said writ petition, the following order has been passed on 10.04.2024.

"6. Even though the respondents claimed that the services of the petitioner has been regularized only from 01.08.2004 as Gang Mazdoor, no steps have been taken by the respondents from the said date to be placed under CPS Scheme. Since the respondents have not taken any steps to convert the petitioner from GPF Scheme to CPS Scheme till now, the petitioner is allowed to make his contribution to the GPF irrespective of the fact that whether he is eligible to be placed under GPF Scheme or CPS Scheme. The petitioner is eligible to get the loan from the contribution made by him under GPF. Since the petitioner has applied the loan for the purpose of his daughter's education expenses, the respondents shall consider the same and sanction with the condition about his eligibility to be placed under GPF Scheme or CPS Scheme within a period of two weeks from the date of receipt of a copy of this order."

4. The above order in all clarity would only convey a message to the fourth respondent to sanction the GPF loan, irrespective of the fact that the petitioner needs to be placed in GPF or CPS. But, now the



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impugned order has been passed stating that the petitioner had not co-operated for opening a CPS account and hence, he should give an application for CPS and then only the GPF loan applied by him will be released. The impugned order dated 03.06.2024 appears to be coercive instructions compelling the petitioner to give some undertaking for releasing the loan amount in compliance of the earlier orders of the Court.

5. Mr.R.Murugappan, learned counsel appearing for the petitioner submitted that the petitioner had filed another writ petition in W.P.(MD)No.29802 of 2023, wherein, he has asserted that he would fall under the Old Pension Scheme and hence he should not be compelled to come under the New Pension Scheme.

6. No doubt, the above writ petition is still pending. The petitioner and the respondents can make their submissions and canvass their respective stand in respect of the petitioner's eligibility to be placed under Old Pension Scheme or New Pension Scheme and can get an order. When the *lis* is pending on the said issue, it is unnecessary to withhold the



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GPF loan applied by the petitioner. In fact, a direction for sanctioning the same has already been granted vide the earlier order of this Court dated 10.04.2024 in W.P.(MD)No.8952 of 2024.

7. In view of the above observations, the writ petition is **disposed of** and the impugned order of the fourth respondent in Na.Ka.No.5152/ 2023/C1 dated 03.06.2024 is set aside and the fourth respondent is directed to pass orders with regard to the sanction of GPF loan to the petitioner, without prejudice to the contention that might be made by both the parties in the writ petition in W.P.(MD)No.29802 of 2023 as to the petitioner's eligibility to be placed under Old Pension Scheme within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

14.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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