



W.P.(MD)Nos.18068 to 18099 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.18068 to 18099 of 2024

W.P(MD)No.18068 of 2024:

S.Karuppaiah

... Petitioner

Vs.

1.The Secretary,
HR & CE Department,
Chennai - 9.

2. The Principal Secretary to Government,
Finance (Pension) Department,
Chennai - 9.

3. The Commissioner,
HR & CE Department,
Chennai - 600 034.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to



W.P.(MD)Nos.18068 to 18099 of 2024

consider the petitioner's request to provide him with *ex-gratia* pension as per the representation of the petitioner, dated 19.07.2024.

In all Writ Petitions

For Petitioners : Mr.B.Prasanna Vinoth

For Respondents : Mr.P.T.Thiraviyam

Government Advocate

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, these writ petitions are disposed of, by way of this common order.

2. Heard Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioners and Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents.

3. The petitioners have filed these writ petitions seeking for a direction to the first respondent to pass orders sanctioning *ex-gratia* pension to the petitioners by considering their representation.

4. The petitioners have served as Assistant in various Temples and they got retired from service after attaining the age of



W.P.(MD)Nos.18068 to 18099 of 2024

superannuation. Despite their long service, they have been given with a nominal pension. The Employees Provident Fund came in the year 1995 and the Government had implemented EPF Scheme since 2006. In between these periods, there is a controversy between the employer and the employee, whether to place the employees under the Old Pension Scheme or under the EPF scheme. Consequently, the Government has issued G.O.(Ms)No.54 of Tamil Development & Culture & HR & CE Department, dated 13.02.2006, through which, the Contributory Pension Scheme was closed and all the HR & CE Department employees were transferred to EPF Scheme. For those employees who have not completed 10 years of service, they are allowed to be kept under the Government CPS scheme without shifting to EPF Scheme.

5. Since the learned counsel for the petitioners submitted that all those persons who have not completed 10 years of service, have not got the benefit of Government pension and the persons who have got long services and who have brought under EPF scheme also got a better pension than these petitioners.



W.P.(MD)Nos.18068 to 18099 of 2024

WEB COPY

6. Since the petitioners have caught in between these two categories and who did not have the benefit of placing under the Government Pension Scheme, were getting only nominal pension and hence, it is appropriate for the Government to allow some *ex-gratia* pension to the petitioners. The representations given by the petitioners in this regard on various dates, have not been considered so far by the respondents. However, it appears that the petitioners have given the last one representation in the month of July 2024 and the same is pending.

7. In view of the pathetic situation of the petitioners, these writ petitions are disposed of and the respondents are directed to consider the representations/request of the petitioners' sympathetically and pass orders on its own merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

01.08.2024

NCC :yes/no
Index :yes/no
Internet:yes/no
RM

4/6



W.P.(MD)Nos.18068 to 18099 of 2024

WEB COPY To

- 1.The Secretary,
HR & CE Department,
Chennai - 9.
2. The Principal Secretary to Government,
Finance (Pension) Department,
Chennai - 9.
3. The Commissioner,
HR & CE Department,
Chennai - 600 034.



WEB COPY



W.P.(MD)Nos.18068 to 18099 of 2024

R.N.MANJULA, J.

RM

W.P.(MD)Nos.18068 to 18099 of 2024

01.08.2024