



W.P.(MD).No.25725 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.25725 of 2022

G.Chellapandian

... Petitioner

Vs

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai 600 015.
3. The District Collector,
Madurai District, Madurai 625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents to include the petitioner in the old pension scheme as per the Tamil Nadu Pension Rules 1978, in view of the judgment rendered by this Court in W.A.No.158, 314, 315, 316, 317, 343, 426, 455, 490, 536, 541, 610 and 1235 of 2016 and other batch cases, dated 03.12.2019 by considering his representation, dated 26.09.2022 within the period stipulated by this Court.

For Petitioner : Mr. N.Sathish Babu

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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Thereafter, he has been promoted as Rural Welfare Officer, Assistant and Deputy Block Development Officer during the period from 2009-2015. On attaining the age of superannuation, he retired from service on 30.06.2018.

(ii).Thereafter, he approached the respondents to include him under the old pension scheme as per the Tamil Nadu Pension Rules, 1978 and made several representations, last of which, was made on 26.09.2022. However, the same were not considered. Hence, this petition came to be filed.

4.The learned counsel appearing for the petitioner submitted that considering the fact that the petitioner has served before 01.04.2003 in a non-provisonalised service and thereafter, granted with time scale of pay. Therefore, his half of service should be taken into account for the purpose of grant of old pension based on the order passed in W.A.Nos.158 of 2016 batch, dated 03.12.2019 and prayed to allow the petition.

5.Per contra, the learned Government Advocate filed a counter submitted by the third respondent and contended that the petitioner was never granted with time scale of pay, he has granted only with Special time scale of pay. From the date of appointment till the date of retirement, he served as a



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Part-time employee. The fact that the petitioner was promoted upto the post of Deputy Block Development Officer would not make him eligible to claim under the old pension scheme and it would be considered only as a fresh recruitment. Hence, prayed to dismiss the petition.

6.Considering the limited relief sought for by the petitioner, without going into merits of the case, I hereby direct the respondents to consider the representation submitted by the petitioner on 26.09.2022 and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

7.With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To
WEB COPY

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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