



W.P.No.25147 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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- 1.P.Munisamy
- 2.D.Hanuk
- 3.T.Magimai Doss
- 4.D.Renganathan
- 5.M.Venkatesan
- 6.P.Munirathinam
- 7.S.Vijaya Kumar
- 8.R.Muninathan
- 9.P.Umapathy
- 10.G.Badhmanaban
- 11.M.Siva
- 12.G.Venkatesan
- 13.M.Jaishankar
- 14.M.Shankar

.. Petitioners

VS

- 1.The Secretary to Government of Tamil Nadu
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 9.

- 2.The Commissioner for Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road, Chennai – 600 028.

- 3.The Commissioner,
Vellore Corporation, Vellore District.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to bring the petitioners under Old Pension Scheme from the date on which they were brought under regular time scale and to refund the subscriptions collected from the Petitioners under New Pension Scheme to the Petitioners and consequently to count the 50% of their past service rendered prior to their regularisation along with regular service for the purpose of calculating Pension as per the Full Bench decision of this Court dated 03.12.2019 reported in 2019 (6) CTC 705.

For Petitioners : Mr.P.I.Thirumoorthy

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader
for R1, R2
Mr.P.S.Prabhu
for R3

ORDER

The prayer in this writ petition is for a writ of mandamus directing the respondents to bring the petitioners under Old Pension Scheme from the date on which they were brought under regular time scale and to refund the subscriptions collected from the petitioners under New Pension Scheme and to consequently count 50% of their past services rendered prior to their regularisation,



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along with regular service, for the purpose of calculating Pension as per the Full Bench decision of this Court in the case of *Government of Tamil Nadu and others v R.Kaliyamoorthy* reported in [2019 (6) CTC 705].

2. The case of the petitioners is that they were appointed as Sanitary Workers in the third respondent Corporation on consolidated basis. Based on the orders dated 22.08.2011 and 22.06.2011 in W.P.Nos. 9138 of 2011 & W.P.No.10421 of 2011, the petitioners were brought under regular time scale of pay with effect from 16.07.2001, 11.11.2000 and 24.08.2013 & 01.01.2001, respectively, vide proceedings issued on 31.10.2014. It is their plea that they were made regular much prior to the implementation of the Contributory Pension Scheme (CPS) and, therefore, they are entitled to be brought under the Old Pension Scheme.

3. When the matter is taken up for hearing today, learned Additional Government Pleader, would submit that the petitioners have not even made any representation to the authorities concerned so far.

4. Heard both sides.



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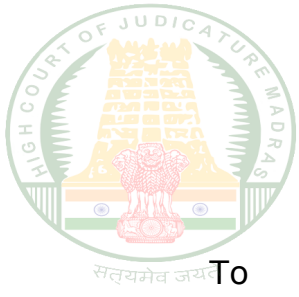
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5. From the records it is seen that the petitioners have not made any representation so far and, therefore, this Court directs the petitioners to forthwith make representation before the Commissioner, Vellore Corporation / third respondent. As and when such representations are made by petitioners, the authority concerned shall consider the same in the light of the judgment in *Kaliyamoorthy* (supra) and pass orders on its own merits and in accordance with law within a period of six (6) weeks from the date of receipt of representation. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioners.

6. This writ petition stands disposed of accordingly. No costs.

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Index:Yes/No
Neutral Citation:Yes/No
ssm



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