



WP(MD). No.21174 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.21174 of 2025

and WMP(MD)Nos.16359, 16360,16361 and 17968 of 2025

T.Marichamy

... Petitioner

Vs

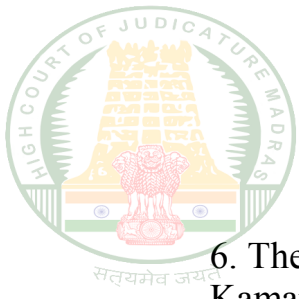
1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai 9.

2. The Director of School Education,
O/o. the Director of School Education,
D.P.I. Campus, College Road,
Chennai-6.

3. The Chief Educational Officer,
O/o. the Chief Education Office,
Virudhunagar,
Virudhunagar District..

4. The District Educational Officer,
O/o. the District Education Office,
Virudhunagar, Virudhunagar District..

5. Block Educational Officer,,
O/o. the Block Education Office,
Virudhunagar,
Virudhunagar District..



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6. The Secretary,
Kamarajar Hindu Primary School,
O.Metupatti, Sattur,
Virudhunagar District..

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 5th respondent in his proceedings in Na.Ka.No.1610/A4/2025 dated 23.07.2025 and quash the same as illegal and consequently to direct the respondents 3 and 4 to continue the Petitioner under the Old Pension Scheme within the period that may be stipulated by this Honourable Court within the period that may be stipulated by this Court.

For Petitioner : Mrs.H.Jasmima Yasmin
for M/s.Ajmal Associates
For R1 to R5 : Mr.M.Dinesh Hari Sudarsan
Counsel for Government of Tamil Nadu (Civil Side)

ORDER

This is a case, where the petitioner was appointed as the Secondary Grade Teacher on 28.04.2003 in Kammawar Primary School, O.Metthupatti, Sattur, Virudhunagar and has been continuing as such as on date. Originally, the petitioner was allotted GPF number 338631/ Education under Old Pension Scheme and accordingly, the deductions have been made from the salary of the petitioner for all these years. However, through the impugned proceedings dated 23.07.2025, the petitioner was informed that she is not entitled for the benefit of Old



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Pension Scheme and she has to obtain a new CPS number under CPS Scheme as the petitioner was appointed after 01.04.2003 and she is governed by the orders issued in G.O(Ms.)No. 259, Finance (Pension) Department, dated 06.08.2003. It is aggrieved by the said proceeding, the petitioner is before this Court.

2. The learned counsel for the petitioner contends that the recruitment process for filling up the post in question has been initiated much prior to 01.04.2003 and accordingly, the petitioner was appointed on 28.04.2003 and rightly he was enrolled under the Old Pension Scheme and deductions have been made for all these years under the Old Pension Scheme and the petitioner is having a legitimate expectation that he would be entitled for all the benefits under the Old Pension Scheme, but all of a sudden, the impugned order came to be issued requiring the petitioner to shift from Old Pension Scheme to CPS scheme. Thus, she contends that the impugned order cannot be sustained.

3. On the other hand, Mr.M.Dinesh Hari Sudarshan, learned Counsel for Government strongly contended that the new CPS scheme



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has come into force with effect from 01.04.2003 and all the Government servants, who were appointed after the said date are all entitled only to the benefits of Contributory Pension Scheme but not under the Old Pension Scheme. The learned Counsel for Government also placed reliance on a decision of the Hon'ble Division Bench of this Court WP(MD)Nos. 9027 and 9035 of 2019 dated 10.06.2019, wherein identical facts were considered and the Hon'ble Division Bench held that mere fact that the recruitment process has been initiated prior to 01.04.2003 will not entitle such candidates to claim benefits under the Old Pension Scheme.

4.The learned counsel for the petitioner, having confronted with a said decision of the Hon'ble Division Bench dated 10.06.2019, could not further persuade this Court to accept the case of the petitioner, as the Hon'ble Division Bench has already taken a view in an identical fact situation.

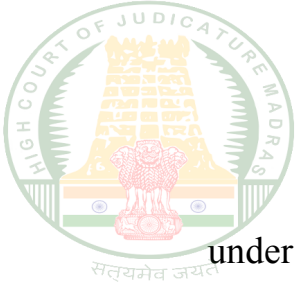
5. This Court is also left with no other option except to follow the said decision in the instant case. Admittedly, the petitioner was appointed



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on 28.04.2003 that is after the CPS scheme has come into force. But the respondents concerned without taking note of the orders issued in G.O(Ms.)No. 259 dated 06.08.2003 erroneously allowed the petitioner to continue under the Old Pension Scheme and the said mistake was realized and impugned proceeding came to be issued. As the continuation of the petitioner in the Old Pension Scheme for all these years is only a mistake and no such right has been conferred upon the petitioner, this Court does not find any reason to interfere with the impugned proceedings. Once the respondents realized a mistake committed by them, it is always open for them to rectify the same. When the respondents themselves tried to rectify a mistake committed by them, this Court cannot come in the way and refrain the respondents from rectifying their mistake. Several lakhs of employees have been brought under the CPS scheme, who are all appointed after 01.04.2003 and the petitioner is one such employee, who would have been enrolled under CPS scheme but was mistakenly enrolled under the Old Pension Scheme.

6. Once the petitioner obtains a new enrolment number under Contributory Pension Scheme, the amounts that were already deducted



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under the Old Pension Scheme shall be adjusted to the extent required and the balance amount, if any, is liable to be refunded to the petitioner with appropriate interest.

7. In the light of the above, this Court does not see any reason to interfere with the impugned proceedings and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM



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MUMMINENI SUDHEER KUMAR,J

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