



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.12544 of 2015

and

M.P(MD)No.1 of 2015

V.Ramu

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. By its Principal Secretary,
Department of Finance (Pension),
Fort. St. George,
Chennai- 600 009.
- 2.The Commissioner,
Government Data Centre,
Kotturpuram,
Chennai-600 025.
- 3.The Commissioner of Police,
Trichy City Police,
Trichirappalli District.
- 4.The Assistant Commissioner of Police,
Intelligence Section,
Trichy City Police,
Trichirappalli District.

... Respondents

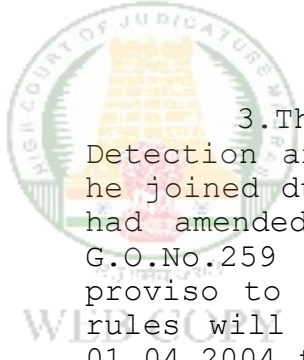
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to sanction and disburse forthwith the Pension amount under the Contributory Pension Scheme Account No.7060503/Police admissible to the petitioner with interest.

For Petitioner : Mr.Nagendran
For Respondents : Mrs.S.Bharathi
Government Advocate

O R D E R

This writ petition has been filed by Mr.V.Ramu seeking issuance of a writ of mandamus directing the respondents herein to sanction and disburse the pension amount under the Contributory Pension Scheme bearing Account No.7060503/Police admissible to the petitioner with interest.

<https://hcservices.ecourts.gov.in/hcservices/> Mr.Nagendran, learned counsel for the petitioner and Mrs.S.Bharathi, learned Government Advocate appearing for the respondents.



3.The petitioner was appointed as Inspector of Police in Bomb Detection and Disposal Squad of Trichy City Police in the year 2004 and he joined duty on 14.02.2004, thereafter, the Tamil Nadu State Government had amended the provisions of the Tamil Nadu Pension Rules, 1978 by G.O.No.259 Finance (Pension) Department, dated 06.08.2003 introducing a proviso to the Rule 2 of the Pension Rules stating that the old pension rules will not apply to the Government servants appointed on or after 01.04.2004 that shows the old pension scheme has automatically come to an end on 31.03.2003, resultantly, the new pension scheme viz., "the Contributory Pension Scheme" has become operation from 01.04.2003 which goes without saying that the petitioner having joined duty in the post of Inspector of Police on 14.02.2004 is brought under the new scheme, subsequently, pursuant to the above said G.O.No.430 Finance (Pension) Department dated 06.08.2003, the Contributory Pension Scheme was made mandatory for all the employees appointed after 01.04.2003, pursuant thereto, deduction towards contributory pension has been made from the Dearness Allowance of the employee. It is not in dispute that the petitioner was assigned with the Contributory Pension Scheme (CPS) Account No.7060503/Police. It is also not disputed by the respondent that the third respondent, the Commissioner of Police, Trichy deducted the monthly Contributions to the Contributory Pension Scheme from the petitioner's monthly pay from 01.05.2004 till the date of retirement i.e., 30.11.2014. In this background, when the petitioner retired from service on reaching the age of superannuation on 27.11.2014 after putting in requisite service, he pleaded, the request of the petitioner to disburse the pension cannot be denied.

4.In paragraph 2 of the counter affidavit, the respondents have also admitted the case of the petitioner that as per the new scheme, a person recruited to Government Service after 01.04.2003, will be covered under the new scheme. Accordingly, the petitioner who was appointed as Inspector on 14.02.2004 is covered under the new scheme, but the difficulty of the respondents is till the Government takes a decision, on payment of contributory pension, disbursement cannot be done.

5.Learned counsel for the petitioner in this context mentioned that in similar circumstances, a Government Order has already been issued in G.O.M.S.No.124, Finance Department, dated 22.04.2015 in favour of one Tmt.R.Kamatchi.

6.In view of the above, the respondent is directed to disburse and settle the contributory pension based on the subscription made along with Government Contribution and interest immediately to the petitioner based on the G.O.Ms.No.124, Finance Department, dated 22.04.2015.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar.



To

1.The State of Tamil Nadu
rep. By its Principal Secretary,
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4.The Assistant Commissioner of Police,
Intelligence Section,
Trichy City Police,
Trichirappalli District.

+1CC to Mr.V.Nagendran,Advocate, SR.No. 47026

+1CC to The Special Government Pleader SR.No. 47169

W.P. (MD) No.12544 of 2015
17.08.2015

AM/05.10.2015/SK.SKN/3P/7C