

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36492 of 2016

R.Kannan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Joint Director of School Education
(Higher Secondary),
DPI Campus, College Road,
Chennai - 600 006.
4. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to enter the benefit of GPF Scheme under Tamil Nadu Pension Rules by restoring GPF No.EDN/163131 to the petitioner by taking into consideration that the petitioner was selected to the post of PG Assistant in Indian Culture based on 2002 selection with all consequential and other service benefits by considering the representation submitted by the petitioner dated 18/11/2009, within a time frame.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Anandhamoorthy
Additional Govt. Pleader (Education)

O R D E R

With the consent of both sides, the main writ petition is taken up for final disposal.

2. The writ petitions is filed seeking Mandamus directing the respondents to enter the benefit of GPF Scheme under Tamil Nadu Pension Rules by restoring GPF No.EDN/163131 to the petitioner by taking into consideration that the petitioner was selected to the post of PG Assistant in Indian Culture based on 2002 selection with all consequential and other service benefits by considering the representation submitted by the petitioner dated 18/11/2009.

3. It is the case of the petitioner that though the petitioner was selected to the post of PG Assistant in Indian Culture as meritorious candidate in the year 2002, his selection was withheld for want of clarification with reference to his educational qualification. Thereafter, TRB issued proceedings in Na.Ka.No.1669/A3/2002 dated 28.03.2003 confirming his selection. Consequently, the 2nd respondent issued appointment order in Na.Ka.No.29462/W1/2003 dated 08.04.2003. Since the petitioner was directed to join after reopening of the school after summer holidays, he joined on 02.06.2003. All other teachers selected along with the petitioner were given appointment in the year 2002 itself.

4. After the advent of Contributory Pension Scheme with effect from 01.04.2003, the Government of Tamil Nadu has dispensed with the pensionary benefits under the provisions of Tamil Nadu Pension Rules. Since the appointment order was issued on 08.04.2003, i.e., after 01.04.2003, the petitioner was brought under CPS for the purpose of pensioner benefits, without reference to the fact that his selection was made in the year 2002 and the persons appointed in the same selection were given the benefit of GPF scheme under Tamil Nadu Pension Rules. Hence, the petitioner made representation to the respondents seeking to allow the benefit of GPF scheme under Pension Rules. But, the respondents have not considered his representation. Hence, the petitioner has come forward with the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader (Education), who takes notice for the respondents.

6. Considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 18.11.2009 to the third respondent within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order and on receipt of the same, the third respondent is directed to consider the same and dispose of the said representation on merits and in accordance with law, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The State of Tamil Nadu
Rep. By its Secretary to Government,
School Education Department,
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4. The Member Secretary,
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4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.G. Sankaran, Advocate, S.R.No.59221
+1cc to the Government Pleader, S.R.No.59626

RJ(CO)
EU(17/11/2016)

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