

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43248/2016 & WMP.No.37103/2016

J.Mettilda Bamini Roselind

..

Petitioner

Vs

- 1.The Secretary,
State of Tamil Nadu
Department of Finance [pension]
Fort St George, Chennai 600 009.
- 2.The Accountant General,
O/.o.The Accountant General,
261, Annasalai, Chennai 600 018.
- 3.The Commissioner
Government Data Centre
Anna University Campus,
Gandhi Mandapam Road,
Chennai 600 025.
- 4.The District Elementary Educational
Officer, Dharmapuri District,
Dharmapuri.
- 5.The Additional Elementary Educational
Officer, Karimangalam Union
Dharmapuri District.
- 6.The Headmistress
Panchayat Union Middle School
Madhagiri, Karimangalam Union
Dharmapuri District.

7.The Headmistress

Panchayat Union Middle
School, Kamaraj Nagar,
Karimangalam Union
Dharmapuri District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein to sanction and disburse forthwith the pension amount under the Contributory Pension Scheme Account No.738144 admissible to the petitioner with interest.

For Petitioner	:	Ms.H.Mary Sowmi Rexi
For RR 1, 3 to 7	:	Mr.K.Dhananjayan, Spl.GP
For R2	:	Mr.V.Vijayshankar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1, 3 to 7 and Mr.V.Vijayshankar, learned counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner was initially appointed as a B.T. Assistant [English] at Panchayat Union Middle School, Madhagiri, Karimangalam Union, Dharmapuri District, vide order of the 5th respondent dated 31.12.2008 and joined the service on 02.01.2009 and on 20.07.2011, she was transferred to the 6th respondent / School and according to her, she was drawing the Government Scale of Pay, admissible for the said post. The petitioner would further state that she attained the age of

superannuation on 31.07.2014 and continued to be in re-employment till the end of academic year on 31.05.2015 and she had put in six years and four months of uninterrupted and unblemished service to the utmost satisfaction of the superior officers.

3 The petitioner also state that as per G.O.Ms.No.259, Finance [Pension] Department dated 06.08.2003, proviso to Rule 2 of the Pension Rules was introduced, in and by which, it has been stated that the old pension rules will not be made applicable to the Government servants who are appointed on or after 01.04.2003 and the new pension scheme, viz., the Contributory Pension Scheme became operational from 01.04.2003 and as per the said amendment, the employees have to contribute 10% of the basic pay and the Dearness Allowance of their salary every month to their Contributory Pension Account and the Government also contributes on par with the contribution made by the employees. The petitioner was placed under the Contributory Pension Scheme bearing Account No.738144 and the monthly contribution have also been deducted till the date of retirement on 31.07.2011, amounting to a sum of Rs.2,31,382/-. The petitioner, after her retirement, submitted a representation dated 28.04.2015 to the 5th respondent to sanction and disburse the amount under the Contributory Pension

Scheme and she was informed that clarification is to be obtained from the 3rd respondent and thereafter, the amount will be disbursed / released. Since the petitioner has not been paid the amount due and payable under the Contributory Pension Scheme, she also sent a Lawyer Notice on 16.09.2015. As no proper response is forthcoming, the petitioner came forward to file the present writ petition.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1, 3 to 7 and Mr.V.Vijayshankar, learned counsel appearing for the 2nd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to act on the Legal Notice dated 16.09.2015 sent on behalf of the petitioner on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous

petition is closed.

15.12.2016

Index : No
Internet : Yes

NOTE: Issue order copy on 20.12.2016.

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To

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M.SATHYANARAYANAN. J
AP

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