



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD).No.8941 of 2015

and

M.P.(MD).Nos.1 and 2 of 2015

V.Govindan

...Petitioner

Vs.

1.The State of Tamil Nadu
rep.by its Secretary to Government Finance
(Pension Department),
Secretariat, Fort.St.Geroge, Chennai-600 009.

2.The State of Tamil Nadu,
rep.by its Secretary to Government,
Collegiate Education,
Secretariat, Fort.St.Geroge,
Chennai-600 009.

3.The Principal Accountant General,
(Accounts & Entitlements),
361,Anna Salai, Chennai-600 018.

4.The Director of Collegiate Education,
DPI Campus, College Road,
Nungambakkam, Chennai-600 006.

5.The Principal,
Raja Doraisingam Government Arts College,
Sivagangai, Sivagangai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in connection with impugned letter of rejection passed in L.R.No.PRAG (A&E) Legal Cell/ W.P.(MD).No.2151/2014 dated 14.06.2014 and quash the same as illegal and arbitrary and consequently direct the third respondent to place the petitioner in the old pension scheme opened in GPF Account No.398 and deduct and pay all benefits accrued thereon.

For petitioner : Mr.G.Thalaimutharasu

For R.1,2 & 4 : Mr.T.R.Jananrthanam
Government Advocate

For R.3 : Mr.P.Gunasekaran

ORDER

Aggrieved by the impugned order dated 14.06.2014 issued by the third respondent, wherein, the request of the petitioner to bring him under the General Provident Scheme, was negatived by the third respondent, the petitioner is before this Court.

2. The case of the petitioner is that the petitioner joined as Junior Assistant cum Typist in the Tamil Nadu Maritime Board by way of direct recruitment on 18.12.1997 and worked upto 08.04.2008 at Port Office, Rameswaram. Thereupon, through proper channel, the petitioner got selected as Village Administrative Officer on 09.04.2008 and subsequently, the petitioner joined as Assistant Professor on 13.10.2008 through Teachers Recruitment Board and presently, working under the fifth respondent. The further case of the petitioner is that while working in the Revenue Department, deductions were not made in the salary towards the contribution and the same continued even after joining in the fifth respondent College as Assistant Professor (Department of History). In this regard, inspite of continuous representation to the third respondent, it did not yield any result. Therefore, the petitioner is before this Court.

3. The main ground taken by the petitioner in this Writ Petition is that as per the letter addressed by the third respondent in Letter No.92399/Pension/2005-1 dated 13.04.2006, the petitioner is entitled to continue under the old General Provident Fund Scheme.

4. Heard the submissions of the learned counsel for the official respondents.

5. As rightly pointed out by the learned Counsel for the petitioner that as per the letter dated 13.04.2006, it is clearly indicated that an employee who held a post with pensionable service in the State Government and resigned that post to take another post in the State Government after 01.04.2013, be allowed in the old pension scheme subject to the condition that the employee had applied from the later appointment through proper channel. It is further stated that he shall be continued in the existing GPF also. In the case on hand, admittedly, the petitioner has applied for the post of Village Administrative Officer through proper channel in the year 2008. The said factum is not disputed by the third respondent. When the Additional Secretary to Government has already clarified on a query made by the third respondent, there is no impediment for the official respondents to bring the petitioner under the old General Provident Fund Scheme. Therefore, the following directions are issued to the third

<https://hcservices.mca.gov.in/heservices/>

(I) The third respondent is directed to communicate to the petitioner with regard to the contributions to be



made by the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(II) On receipt of the same, the petitioner is directed to pay the contribution to be demanded by the third respondent within a period of two weeks from the date of receipt of the communication from the third respondent and

(III) The third respondent is directed to pass appropriate orders bringing the petitioner under the old General Provident Scheme within a period of four weeks from the date of the contributions made by the petitioner.

With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Secretary to Government Finance (Pension Department),
The State of Tamil Nadu, Secretariat, Fort.St.Geroge,
Chennai-600 009.

2. The Secretary to Government, The State of Tamil Nadu,
Collegiate Education, Secretariat, Fort.St.Geroge,
Chennai-600 009.

3. The Principal Accountant General,
(Accounts & Entitlements),
361, Anna Salai, Chennai-600 018.

4. The Director of Collegiate Education,
DPI Campus, College Road,
Nungambakkam, Chennai-600 006.

+1cc to M/s.G.Thalaimutharasu, Advocate in SR.37178

+1cc to M/s.P.Gunasekaran, Advocate in SR.37210

+1cc to the Special Government Pleader, in SR.37254

W.P (MD) .No.8941 of 2015
15.07.2016

ssm

PBK/NGM-MP/SAR-III 21/07/2016 ::3P-8C:: (IT)