

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9433 of 2017

G.Kamaraj

..Petitioner

-vs-

1. The Director of Education
Education Department
Government of Puducherry
Puducherry

2. The Correspondent
Wiseman Higher Secondary School
Velrampet, Mudaliarpet
Puducherry

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to apply the New Pension Scheme to the petitioner with effect from 1.8.2005 and deduct the monthly subscriptions from his pay from the said date as required under the said scheme and grant him the benefits of the said scheme at the time of his retirement.

For Petitioner :Mr.P. Mohanraj

For Respondents:Mr.J.Kumaran

Government Advocate (Pondy) for R1

ORDER

The petitioner, having joined as Primary School Teacher on 5.7.93 at Wiseman Higher Secondary School, Velrampet, Mudaliarpet, Puducherry, was brought into regular time scale of pay with effect from 1.8.2005, as the said school is an aided private school. While so, the Government of India introduced a new pension scheme, which came into effect from 1.1.2004, making it applicable to all new entrants to Central Government service on or after 1.1.2004. When the new pension scheme was extended to the employees of Government aided schools in G.O.Ms.No.122, Chief Secretariat (Education), Government of Puducherry dated 25.10.2010, the said new pension scheme should have been applied to the petitioner and the CPS contribution should have been deducted from his salary with effect from 1.8.2005, the date on which he was brought into regular time scale of pay in the post of Primary School Teacher. But even after issuance of

the G.O.Ms.No.122 dated 25.10.2010, the respondents have not taken any steps to implement the new pension scheme to the petitioner. Now the petitioner is having only left over service of two years for retirement, as he is now aged 58 years. Therefore, if the representation given on 22.7.2016 to Her Excellency the Lt.Governor of Puducherry with a copy marked to the first respondent is directed to be considered, no prejudice would be caused to any one, failing which the petitioner will be put to grave problem.

2. Mr.J.Kumaran, learned Government Advocate (Pondy), taking notice on behalf of the first respondent, submitted that since there is no proof for making the representation to the authorities, the petitioner may be directed to give a fresh representation with all enclosures to the first respondent.

3. Agreeing with his submissions, this Court hereby directs the petitioner to send a fresh representation with all enclosures along with a copy of this order by registered post to the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the first respondent is directed to consider the same on merits and pass appropriate orders in accordance with law within a period of four weeks thereafter. With this direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss
To

The Director of Education
Education Department
Government of Puducherry
Puducherry

+ 1 cc to M/s. P. Rajendran, Advocate Sr.24178
+ 1 cc to M/s. Government Pleader Sr.23762

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RSI (CO)
EU 4.5.17