



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No.1529 of 2014

and

M.P. (MD) .No.2 of 2014

T.Madavaraj : Appellant / Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu Finance (Pension) Department,
Fort St.George,
Chennai-9.

2.The Secretary to the Government,
State of Tamil Nadu School Education Department,
Fort St.George,
Chennai-9.

3.The Accountant General (AE),
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-18.

4.The Director of School Education,
Chennai-6.

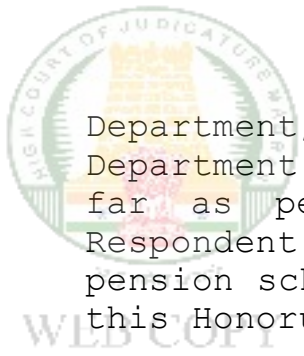
5.The Joint Director of School Education,
Higher Education,
Chennai-6.

: Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the Judgment dated 16.12.2013 passed in W.P.(MD).No.4445 of 2010, on the file of the Madurai Bench of Madras High Court and consequently allow the Writ Appeal by saying the G.O.Ms.No.259, Finance (Pension) Department, dated 06.08.2003 is not applicable to the Appellant.

Prayer in WP(MD). 4445/ 2010 :

Writ Petition is filed under Article 226 of the
<https://hcservicescourts.gov.in/hcservices/> of India, praying this Court to issue a WRIT OF
DECLARATION, declaring the G.O.Ms.No.259, Finance (Pension)



Department, dated 06-08-2003 and G.O.Ms.No.430, Finance (Pension) Department dated 06-08-2004 as null and void and ultra vires in so far as petitioner concerned and consequently direct the 4th Respondent to issue the GPF number to the petitioner in the old pension scheme (GPF) within the stipulated time as may be fixed by this Honourable Court.

For Appellant : Mr.V.R.Venkatesan
For R1, R2, R4 & R5 : Mr.T.S.Mohamad Mohideen
Additional Government Pleader
For Respondent No.3 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of the Court was made by G.R.SWAMINATHAN, J.]

The un-successful writ petitioner is on appeal challenging the order dated 16.12.2013 made in W.P.(MD).No.4445 of 2010.

2.The appellant herein was appointed as a Tutor in Chemistry by order dated 26.03.2003. However, he joined duty only on 01.04.2003. Unfortunately, for the appellant, the contributory pension scheme came into force with effect from 01.04.2003. If the writ petitioner/ the appellant herein had joined duty on 27.03.2003, he would have been entitled to benefits under the earlier pension scheme. Because, the appellant joined duty on 01.04.2003, the date on which the contributory pension scheme came into force, he is deprived of valuable benefits.

3.The writ petitioner therefore filed a Writ of Declaration for declaring G.O.Ms.No.259, Finance (Pension) Department, dated 06.08.2003 and G.O.Ms.No.430, dated 06.08.2004 as null and void.

4.The issue is no longer *res integra*. The issue is covered by the order dated 19.06.2014, made in W.A.(MD).No.217 of 2011, etc., batch. There is no merit in this writ appeal. The Division Bench of this Court specifically referred to the order dated 06.02.2013 in W.P.(MD).No.2470 of 2013 upholding the validity of the amendment to the Tamil Nadu Pension Rules and Government Orders impugned in the present proceedings. Therefore, the issue cannot be gone into once again. The writ appeal stands dismissed. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/



To:

- 1.The Secretary to Government,
State of Tamil Nadu Finance (Pension) Department,
Fort St.George,
Chennai-9.
- 2.The Secretary to the Government,
State of Tamil Nadu School Education Department,
Fort St.George,
Chennai-9.
- 3.The Accountant General (AE),
Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai-18.
- 4.The Director of School Education,
Chennai-6.
- 5.The Joint Director of School Education,
Higher Education,
Chennai-6.

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.69981

tsg/skm

RL/7C/3P/SV/MMS/SAR2/26/9/2017

Judgment made in
W.A.[MD]No.1529 of 2014
02.08.2017