



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.17180 of 2014 and
MP(MD)No.1 of 2014
and WMP(MD)No.1391 of 2016

N.Ravi

... Petitioner

Vs.

1. The Accountant General,
Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai, Chennai - 600 018.
2. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Finance (Pension),
Fort St.George, Chennai - 600 009.
3. The Director of School Education,
College Road, Chennai - 600 009.
4. The Inspector General of Registration,
120, Santhome High Road, Chennai - 600 028.
5. The District Registrar,
Chennai Central, Theynampet, Chennai.
6. The Joint III Sub Registrar,
The Joint III Sub Registrar Office,
Trichy, Trichy District.
7. The District Registrar (Audit),
The District Registrar (Audit) Office,
Karur, Karur District.
8. The Chief Educational Officer,
Karur, Karur District.
9. The Chief Educational Officer,
Erode, Erode District.
10. The District Educational Officer,
Gobichettipalayam, Erode District.



11. The Headmaster,
Government Higher Secondary School,
Moongilpatti, Keelvani Post,
Anthiyur Taluk,
Erode District - 638 502.

12. The Headmaster,
Government Higher Secondary School,
Lalapettai, Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Junior Assistant in the fifth respondent District Registrar Office, Chennai on 13.09.2000 including the petitioner's joining in the 12th respondent Government Higher Secondary School, Lalapettai, Karur District on 04.10.2004 and subsequent entire service periods till his retirement.

For petitioner : Mr.S.Xavier Rajini
For respondents : Mr.P.Gunasekaran for R1
Mr.Gunaseelan Muthaiah
AGP for R2 to R10

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner was appointed as Junior Assistant in Registration Department on 13.09.2000. Subsequently, he got selected as B.T. Assistant in Physics in Government Higher Secondary School. Since he got appointment in a Government School as B.T. Assistant, he was relieved from service in Registration Department on 27.09.2004 by the Inspector General of Registration, Santhome, Chennai. When he was an employee in the Registration Department he was placed under the old pension scheme. The question is whether the writ petitioner can continue to be in the old pension scheme or under the new pension scheme. It is the subject matter of this writ petition.

3.The writ petitioner was earlier a Tamil Nadu Government servant. Following his appointment as B.T. Assistant he continues to be only a Tamil Nadu Government servant. He got relieved from the Registration Department only for the purpose of joining in the Education Department. In these circumstances, the writ petitioner is very much entitled to continue to be in the old pension Scheme. The respondents are therefore directed to place the writ petitioner under the Old Pension Scheme based on the initial date of appointment as Junior Assistant in the Registration Department i.e., on 13.09.2000.



4. This Writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 009.
3. The Inspector General of Registration,
120, Santhome High Road, Chennai - 600 028.
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11. The Headmaster, Government Higher Secondary School,
Lalapettai, Karur District.

+ 1 CC TO Mr. S. XAVIER RAJINI, ADVOCATE IN SR No. 42990

+ 1 CC TO Mr. P. GUNASEKARAN, ADVOCATE IN SR No. 43001

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43072

SKM

TE/SKN-RSK/SAR-1 : 26/03/2018 : 3P/15C

W.P. (MD) No. 17180 of 2014 &
MP (MD) No. 1 of 2014
and WMP (MD) No. 1391 of 2016
18.01.2018