



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2018

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) Nos.17845 of 2014
and
MP (MD) No.1 of 2014

J.Tamil Selvi

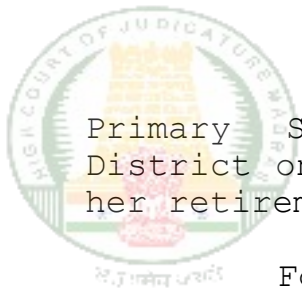
... Petitioner

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 Elementary Education,
College Road, Chennai-600 006.
- 4.The District Elementary Educational
Officer,
Dindigul, Dindigul District.
- 5.The District Elementary Educational
Officer,
Ramnad, Ramnad District.
- 6.The Correspondent,
Hindu Primary School,
Kamuthakudi, Paramakudi Union,
Ramnad District.
- 7.The Headmaster,
Panchayat Union Primary School,
S.Puthupatti, Sanarpatti Union,
Dindigul District.

... Respondents

Prayer : This 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 Secondary Grade Teacher on 29.04.2000 in the sixth respondent school namely, Hindu Primary School, Kamuthakudi, Paramakudi Union, Ramnad District including the petitioner's joining in the Panchayat Union



Primary School, Chathirapatti, Kugiliamparai Union, Dindigul District on 11.11.2005 and subsequent entire service periods till her retirement.

For Petitioner

: Mr.S.Xavier Rajini

For Respondents

: Mr.P.Gunasekaran for R1

Mrs.S.Srimathy,
Special Government Pleader
for R2 to R5

ORDER

The petitioner is presently working in a Panchayat Union Primary School, Sanarpatti Union, Dindigul District. Earlier, she was working in Hindu Primary School, Ramanathapuram District from 29.04.2000. She joined in Chathirapatti Panchayat Union Primary School, Chathirapatti, Dindigul District on 11.11.2005.

2.The question is whether the writ petitioner can continue to remain under the old pension scheme or she will come under the contributory pension scheme. The case of the writ petitioner is that she had joined in an aided educational institution when the old pension scheme was in force and she was originally placed under the old pension scheme. Therefore, her contention was that she is governed by the old pension scheme.

3.The petitioner would further point out that her resignation from the aided school was technical in nature for the purpose of joining in the seventh respondent school. The petitioner has already given a representation in this regard on 21.01.2014 and again on 16.06.2014.

4.The second respondent is directed to consider the petitioner's representations dated 21.01.2014 and 16.06.2014 and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

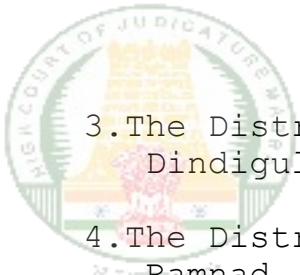
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Sub Assistant Registrar

To

1.The Secretary, Department of Finance(Pension),
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.



3.The District Elementary Educational Officer,
Dindigul, Dindigul District.

4.The District Elementary Educational Officer,
Ramnad, Ramnad District.

+1cc to Mr.XAVIER RAJINI, Advocate, SR. 45379

+1cc to M/S.Special Government Pleader, SR.45184

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30.01.2018

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