



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.2087 of 2018

WEB COPY

E.Mary

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai -9.
- 2.The Accountant General,
Office of the Accountant General,
261, Anna Salai, Chennai.
- 3.The Commissioner,
Government Data Center,
Anna University Campus,
Gandhi Mandapam Road,
Chennai-25.
- 4.The District Elementary Educational Officer,
Madurai District, Madurai.
- 5.The Additional Elementary Educational Officer,
Viralimalai, Pudukottai District.
- 6.The Additional Elementary Educational Officer,
Madurai South, Madurai.
- 7.The Head Master,
Corporation Primary School,
Sundarrajapuram, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to allow the petitioner to continue to remain in Teachers Provident Scheme, ie., Old Pension Scheme bearing Account No.ASTPF 339625 by condoning the intervening period of 17 days of break in service, ie., from the date of reliving from Palaniyappan Middle School, Madurai, to the joining date in Panchayat Union Middle School, Vilampatti, Viralimalai Taluk, Pudukottai District.

For Petitioner

: Mr.T.Leninkumar

For R2

: Mr.P.Gunasekaran

For R1, R4 to R7

:Mrs.S.Srimathy

Special Government Pleader

R3

:No Appearance

**ORDER**

Seeking for a direction to the respondents to allow the petitioner to continue to remain in Teachers Provident Scheme, ie., Old Pension Scheme, by condoning the intervening period of 17 days, the present writ petition has been filed.

2. Heard the learned Counsel on either side and perused the materials available on record.

3. For regularising the break in service of 17 days and to permit the petitioner to continue to remain in Teachers Provident Scheme, ie., Old Pension Scheme, the petitioner has made a representation to the respondents on 20.09.2010. However, the respondents did not take any action till date. Hence, the present writ petition. The learned Counsel for the petitioner also relied upon the order of this Court in W.P.No.28154 of 2011, dated 16.07.2014, wherein, this Court allowed the writ petition and observed that intervening period got to be treated as continuity of service and not as break-in-service and the petitioner therein is entitled to all other benefits.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the grievance of the petitioner would be addressed on merits.

5. Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 20.09.2010, on merits and in accordance with law and also in the light of the order of this Court in W.P.No.28154 of 2011, dated 16.07.2014, and pass appropriate orders, after affording opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of in the above terms. No costs.

Sd/-

Assistant Registrar ()

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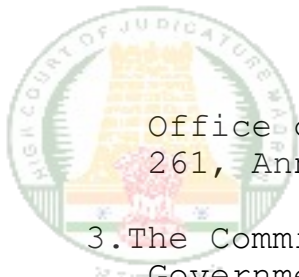
Sub Assistant Registrar(CS)

To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai -9.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Accountant General,



Office of the Accountant General,
261, Anna Salai, Chennai.

3.The Commissioner,
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4.The District Elementary Educational Officer,
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6.The Additional Elementary Educational Officer,
Madurai South, Madurai.

7.The Head Master,
Corporation Primary School,
Sundararajapuram, Madurai.

+1cc to Mr.T.Leninkumar,Advocate, SR.No.53023

+1cc to Mr.P.Gunasekaran,Advocate, SR.No.53726

+1cc to Special Government Pleader, SR.No.53225

ORDER MADE IN
W.P. (MD) No.2087 of 2018
11.03.2019

SP/22.04.2019/3P/11C