



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.19187 of 2017andW.M.P. (MD)No.17869 of 2017andW.P. (MD)No.11508 of 2015 & 15850 of 2015andM.P. (MD)No.1 of 2015W.P(MD)No.19187 of 2017

S.Cyril Jhansi

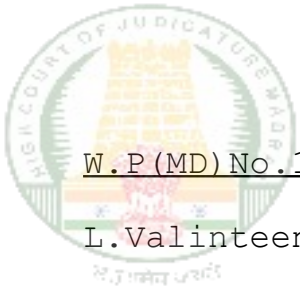
... Petitioner

vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Finance (Pension),
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner,
Government DATA Centre,
Guindy, Chennai - 600 025.
- 3.The Director of Elementary Education,
College Road, Chennai- 600 006.
- 4.The District Elementary Educational Officer,
Trichy, Trichy District.
- 5.The Additional Assistant Elementary
Educational Officer, Vaiyampatty,
Trichy District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Director of Elementary Education to consider and pass orders on the representation submitted by the petitioner on 06.06.2017 requesting to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Secondary Grade Teacher on 19.06.2002 in Punitha Jayarakini Madha Middle School Pannalivilagam Thiruvarur District on par with the similarly placed persons.



W.P(MD)No.11508 of 2015

L.Valinteena Thangam

... Petitioner

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vs.

- 1.The Director,
Directorate of Elementary Education,
Chennai - 600 006.
- 2.The Commissioner,
Government Data Centre,
Guindy, Chennai - 600 025.
- 3.The District Elementary Educational Officer,
Office of District Elementary Education,
Sethuraman Pillai Colony,
Tiruchirapalli.
- 4.The Additional Assistant Elementary
Educational Officer, Vaiyampatty,
Trichy District.
- 5.The Head Master,
Panchayath Union Middle School,
Thoppanaickanpatty,
Vaiyampatty Union,
Tiruchirapalli.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus direct the respondents 1 and 2 to grant Teachers Provident Fund enrolment number to the petitioner within time frame fixed by this Court.

W.P(MD)No.15850 of 2015

J.Asuntha Mary

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Finance (Pension),
Fort St. George,
Chennai - 600 009.

- 2.The Commissioner,
Government DATA Centre,



Guindy, Chennai - 600 025.

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

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

5.The Assistant Elementary
Educational Officer, Ambasamuthiram,
Tirunelveli District.

6.The Correspondent,
St. Josephs Primary School,
Koothankuzhi,
Tirunelveli District.

7.The Headmistress,
Panchayat Union Primary School,
Kovilkulam,
Ambasamuthiram Union,
Tirunelveli District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the petitioner is placed under the Contributory Pension Scheme is null and void and further 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 04.06.2001 in the sixth respondent school namely St.Josephs Primary School Koothankuzhi Tirunelveli District including the petitioner's joining in the Panchayat Union Primary School, Ayngingapatti, Ambasamuthram Union, Tirunelveli District, on 01.12.2005 and subsequent future entire service periods till her retirement.

(In all W.Ps)

For Petitioner :Mr.S.Xavier Rajini

For Respondents: Mrs.S.Srimathy

Special Government Pleader

COMMON ORDER

W.P.(MD)No.19187 of 2017 is filed by the petitioner seeking a direction to the Director of Elementary Education to consider and pass orders on the representation submitted by the petitioner on 06.06.2017, requesting to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Secondary Grade Teacher on 19.06.2002 in Punitha Jayarakini Madha Middle School, Pannaivilagam, Thiruvarur District, on par with the



similarly placed persons.

2. W.P.(MD)No.11508 of 2015 is filed seeking a direction to the respondents 1 and 2 to grant Teachers Provident Fund enrolment number to the petitioner within time frame fixed by this Court.

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3. W.P.(MD)No.15850 of 2015 is filed seeking a declaration to declare that the petitioner's placement under the Contributory Pension Scheme is null and void and further 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 04.06.2001 in the sixth respondent school and subsequent future entire service periods till her retirement.

4. The District Elementary Education Officer filed a counter affidavit in W.P.(MD)No.19187 of 2017, wherein it is stated as follows:

*"It is all submitted that the petitioner state in there paras about the three persons. Places under the old pension scheme and subsequently fixed with Panchayat Union School. After 01.04.2003 without break in service are places under old pension scheme. The details are also further about the 3 persons. But the above 3 persons immediately after joining in the Panchayat Union School they have submitted three representations the admitting in the old pension scheme and they were placed under the old pension scheme. But the petitioner tailed to submit the representation to continue or to admit in the old pension scheme and submitted the representation to place under CPS and obtained the CPS No.709918 and the monthly installment or CPS has been recovered from the salary of the petitioner till date. (**emphasis supplied**)"*

5. Heard the learned Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. Considering the above said facts and circumstances of the case, without going into the merits of the cases, the Director of Elementary Education, Chennai is directed to consider the representation of the petitioner in W.P.(MD)No.19187 of 2017, dated 06.06.2017 and also the claims of the other petitioners in other two writ petitions and pass appropriate orders, on merits and in accordance with law, affording an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.



7. All the Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar(CS)

To

- 1.The Secretary,
Department of Finance (Pension),
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner,
Government DATA Centre,
Guindy, Chennai - 600 025.
- 3.The Director of Elementary Education,
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- 4.The District Elementary Educational Officer,
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- 5.The Additional Assistant Elementary
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Trichy District.
- 6.The Head Master,
Panchayath Union Middle School,
Thoppanaickanpatty,
Vaiyampatty Union,
Tiruchirapalli.
- 7.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
- 8.The Assistant Elementary
Educational Officer, Ambasamuthiram,
Tirunelveli District.
- 9.The Correspondent,
St. Josephs Primary School,
Koothankuzhi,
Tirunelveli District.



10.The Headmistress,
Panchayat Union Primary School,
Kovilkulam,
Ambasamuthiram Union,
Tirunelveli District.

+1cc to Mr.S.Xavier Rajini,Advocate, SR.No.59025,59026
+1cc to Special Government Pleader, SR.No.59128

W.P (MD) No.19187 of 2017
and
W.M.P. (MD) No.17869 of 2017
and
W.P. (MD) No.11508 of 2015 & 15850 of 2015
and
M.P. (MD) No.1 of 2015
03.04.2019

SP/30.04.2019/ 6P/13C

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