

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.12082 of 2014**

WEB COPY

K.Ponselvi

... Petitioner

Vs.

1. The Director,
The Government Statistical Records Centre,
Guindy,
Chennai-600 025.
2. The District Elementary Educational Officer,
Virudhunagar District.
3. The Assistant Elementary Educational Officer,
Aruppukottai Region,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide the Selection Grade Teacher based on her earlier Second Grade Teacher service of the petitioner working in Government Aided School from 17.04.2003 and continue to deposit the provident fund contribution into the petitioner's old provident fund account and provided all other monetary benefits as eligible by the petitioner's service.

For Petitioner : Mr.S.Karthik
For Respondents : Mrs.S.Srimathi
Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to provide Selection Grade Teacher based on her earlier Second Grade Teacher service of the petitioner working in Government Aided School from 17.04.2003 and continue to deposit the provident fund contribution into the petitioner's old provident fund account.

2.The petitioner states that she has completed Teachers training course and appointed as Second Grade Teacher in C.S.I., Sophia Chester Primary School, Dindigul, as per the proceedings dated 17.04.2003. The said School is the Government Aided Minority School. The appointment of the writ petitioner was approved by the competent educational authority in proceeding dated 30.04.2003 and thereafter, the petitioner was transferred from Dindigul to C.S.I, Primary School Mathakovilpatty, near Sivakasi with effect from 15.10.2003.



3.The claim of the writ petitioner is that the General Provident Fund subscription amount is to be collected from her, since her appointment was made on 17.04.2003.

4.The learned Special Government Pleader appearing on behalf of the respondents made a submission that the writ petitioner is not eligible for General Provident Fund Account at all. The new pension scheme was implemented by the Government with effect from 01.04.2003. Thus, all the employees appointed after 01.04.2003 are eligible to avail the Contributory Pension Scheme and they are not entitled to get the benefit of old pension scheme under the provisions of the Tamil Nadu Pension Rules, 1978. Thus, the petitioner is entitled to get all the benefits as applicable under the new Pension Scheme viz., Contributory Pension Scheme. The counter affidavit filed by the first respondent also clarifies that the petitioner has not applied even for Contributory Pension Scheme, and therefore, no amount has been collected from the petitioner towards Contributory Pension Scheme.

5.It is made clear that in the event of submitting an application under the Contributory Pension Scheme, the case of the writ petitioner is to be considered and recovering the subscription amount from her account shall be maintained for the purpose of settlement of pensionary benefits under the said scheme. Thus, the writ petitioner is at liberty to submit appropriate application in a prescribed format before the competent authority for the purpose of Contributory Pension Scheme and in the event of submitting any such application, the petitioner may be enrolled as a member of the Contributory Pension Scheme and accordingly, her account can be maintained for the purpose of settlement of Contributory Pension at the time of retirement.

6.With these direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

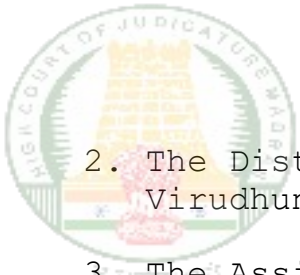
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Sub Assistant Registrar(CS)

To

1. The Director,
The Government Statistical Records Centre,
Guindy,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai-600 025.



2. The District Elementary Educational Officer,
Virudhunagar District.

3. The Assistant Elementary Educational Officer,
Aruppukottai Region,
Virudhunagar District.

+1 CC to SPL GP (SR-76572[F] dated 22/07/2019)

+1 CC to Mr.S.KARTHIK, Advocate (SR-76670[F] dated 22/07/2019)

W.P. (MD) No.12082 of 2014

19.07.2019

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