



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.07.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P (MD) No. 13123 of 2014
and
M.P (MD) No. 1 of 2014

S. Jacintha Rani

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary
Education Department
St.George Fort
Chennai.

2. The Accountant General
DMS, Nandanam
Chennai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to extend the General Provident Fund Scheme to the petitioner by considering the representation preferred by the petitioner on 16.07.2014

For Petitioner : Mr.C. Venkateshkumar
for M/s.Ajmal Associates

For Respondents
No.1 : Mrs.S.Srimathy
Special Government Pleader

No.2 : Mr.P.Gunasekaran

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to extend the General Provident Fund scheme to the petitioner by considering the representation.

2. The learned counsel for the writ petitioner states that the writ petitioner was appointed as B.T Assistant on 02.12.2003.

3. The learned Special Government Pleader also made a submission that the writ petitioner was appointed on 02.12.2003 and therefore falling under the Contributory Pension Scheme.

4. The Government has taken a policy decision to grant new pension scheme namely Contributory Pension Scheme w.e.f 01.04.2003



in respect of the appointments made after 01.04.2003. When the writ petitioner was admittedly appointed in to Government service after 01.04.2003 she is not entitled for the benefit of the old pension scheme under the Tamil Nadu Pension Rules 1978. The writ petitioner was appointed on 02.12.2003 after the introduction of new pension scheme namely Contributory Pension Scheme, thus the benefit of contributory pension scheme alone is to be extended to the writ petitioner with reference to the terms and conditions of the new pension scheme.

5. With the above clarification the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Secretary State of Tamil Nadu Education Department
St.George Fort Chennai.

+1cc to Mr.P.GUNASEKARAN,Advocate, SR.No.76995

+1cc to M/S.AJMAL ASSOCIATES,Advocate, SR.No. 76846

+1cc to THE SPL.GOV.T.PLEADER SR.NO.76932

aav/NS

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NA (01.08.2019) 2P :5C