BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.(MD)No.1385 of 2019

M.Uma Maheswari ... Appellant

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Finance Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The State of Tamil Nadu,
Rep by its Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Secretariat,
Chennai-600 009.

3.The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai-600 006.

5.The Accountant General (A & E),
No.361, Annasalai,
Teynampet, Chennai-600 008. ..Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, to set aside the order passed in W.P.(MD)No.19893 of 2015 dated 11.07.2019 and allow this writ appeal.

Prayer in WP(MD). 19893/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to enrol the petitioner in the General Provident Fund Scheme instead of the contributory pension scheme by providing the G.P.F Account to the petitioner within the time stipulated by this Court.

For Appellant : Mr.J.Pooventhera Rajan
For R1 to R4 : Mr.A.Muthukaruppan
Additional Government Pleader
For R5 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.J.Pooventhera Rajan, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader for the respondents 1 to 4 and Mr.P.Gunasekaran, learned counsel for the fifth respondent. By consent on either side, this writ appeal is taken up for final disposal at the admission stage itself.

2. This appeal by the writ petitioner is directed against the order, dated 11.07.2019 made in W.P.(MD)No.19893 of 2015.

3. The petition was filed by the appellant seeking for a direction to enroll the petitioner in the General Provident Fund Scheme instead of Contributory Pension Scheme. Admittedly, the appellant was appointed on 14.07.2004 that is after the Contributory Pension Scheme came into force.

4. The argument of the learned counsel for the petitioner is that the appellant was successful in the selection process conducted by the Tamil Nadu Public Service Commission (hereinafter referred to as 'TNPSC') and her name was in the selection list as on 12.10.2000 and the appointment was delayed solely on the ground that TNPSC did not accept the communal status of the appellant and after verification by various departments, it was accepted that the appellant belongs to Most Backward Class Community and therefore, order of appointment was issued on 14.07.2004.

5. The appellant's case is that for all purpose, the date of 12.10.2000 has to be taken as date of appointment. This argument is not sustainable for the simple reason that mere inclusion of name of a candidate in the selection list, will not confer any right. The learned writ Court has rightly dismissed the writ petition. Further more, identical issue by similarly placed persons were considered by us in W.A.(MD)Nos.1157 and 1159 of 2019 dated 14.11.2019 and the appeals were dismissed. Thus, we find, no ground to interfere with the order passed in the writ petition. Accordingly, this writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary,
   Finance Department,
   Fort St.George, Secretariat,
   Chennai-600 009.

2.The Secretary,
   Commercial Taxes and Registration Department,
   Fort St.George, Secretariat,
   Chennai-600 009.

3.The Commissioner of Commercial Taxes,
   Chepauk, Chennai-600 005.

4.The Secretary,
   Tamil Nadu Public Service Commission,
   Frazer Bridge Road, VOC Nagar,
   Park Town, Chennai-600 006.

+1 CC to SPL GP (SR-103017,103020[F] dated 02/12/2019)

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-103208[F] dated 03/12/2019)

ORDER MADE IN
W.A.(MD)No.1385 of 2019
29.11.2019

VB(09.01.2020) 3P 7C