



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.12538 of 2020

A.Uma

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep., by the Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Accountant General,
DMS, Nandanam, Chennai

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to enroll the petitioner in General Provident Fund Scheme by considering the petitioner's representation dated 08.08.2020 within the time stipulated by this Court.

For Petitioner	: Mr.S.Louis
For Respondents	: Mrs.S.Srimathy
	Special Government Pleader
	for R1
	Mr.S.Mahalakshmi for R2

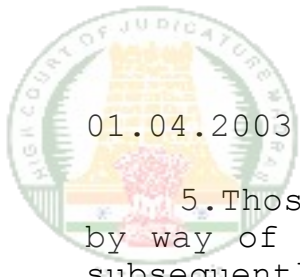
ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the first respondent to enroll the petitioner in General Provident Fund Scheme by considering the petitioner's representation, dated 08.08.2020 within a time to be stipulated by this Court.

2.Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.S.Srimathy, learned Special Government Pleader appearing for the first respondent and Ms.S.Mahalakshmi, learned counsel appearing for the second respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner was appointed as Block Resource Teacher and joined in service on 05.12.2003. However, the petitioner was not included into Old Pension Scheme, which was available prior to



01.04.2003 and he was included in the New Pension Scheme.

5. Those, who have been selected during the year 2002 and 2003 by way of competitive examination and recruitment process, however, subsequently, has been appointed, were considered to be included in the Old Pension Scheme and in this regard, the issue had come up before this Court, which ultimately was decided by the Division Bench of this Court in W.A(MD).No.1026 of 2019, dated 15.10.2019, in the matter of **R.Kalpana Vs., State of Tamil Nadu, rep., by its Secretary Education Department and another**, where this Court has directed the respondents to consider the issue by passing necessary speaking order with regard to grievance of the petitioners to be included in the Old Pension Scheme.

6. Pursuant to the order of this Court, as referred to above, the said individual was included under Old Pension Scheme. However, similarly placed persons like the petitioner has not been included. Therefore, in this regard, the petitioner has given a representation on 08.08.2020 to the respondents. Therefore, the learned counsel appearing for the petitioner would submit that, the petitioner's representation can be directed to be considered by the respondents in the line of the consideration already shown in respect of the similarly placed persons on merits and in accordance with law within a time frame and in that case, the petitioner would be satisfied.

7. The learned Standing Counsel appearing for the respondents would submit that, in the light of the earlier order passed by this Court, if the petitioner is also similarly placed, certainly, the request of the petitioner would be considered on merits and in accordance with law and decision would be taken thereon, within a time frame that may be stipulated by this Court.

8. Considering the said submission made by both sides and having regard to the said facts of the case, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially, the first respondent is hereby directed to consider the petitioner's representation, dated 08.08.2020 and pass orders thereon, on merits and in accordance with law. While considering the same, the order passed by this Court in W.A(MD).No.1026 of 2019, dated 15.10.2019, shall be taken into account. The needful, as indicated above, shall be undertaken and final order shall be passed by the first respondent within a



period of eight weeks from the date of receipt of a copy of this order.'

9. With the above directions, this Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

rmk

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.

2. The Accountant General,
DMS, Nandanam, Chennai.

+1cc to Mr. S. LOUIS, Advocate, SR No. 18024

+1cc to M/s. Special Government Pleader, SR No. 18225

W.P. (MD) No. 12538 of 2020
24.09.2020

RMK (CO)
KK (04.01.2021) 3P 5C