



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.16956 of 2020

WEB COPY

M.Rajalakshmanan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai 600 009.
- 2.The Accountant General,
Office of Accountant General,
261, Anna Salai,
Chennai 600 018.
- 3.The Commissioner,
Directorate of School Education,
DPI Campus,
College Road,
Chennai -6.
- 4.The District Primary Educational Officer,
O/o. District Educational Officer,
Tenkasi District.
- 5.The Block Educational Officer (II),
O/o. Block Educational Officer,
Keelapavoor,
Tenkasi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to switch over the petitioner's Secondary Grade Teacher Service from Contributory Pension Scheme (CPS) to Teacher Provident Fund Pension Scheme (TPF) in accordance with Rules 24 and 25 of the Tamil Nadu Pension Rules, 1978 and in the light of the reported judgment in 2014 (8) MLJ 341 in N.Baskar vs. Director of Elementary Education, within the time stipulated by this Court.

For Petitioner	:	Mr.I.Pinaygash
For Respondents	:	Mr.N.Shanmugaselvam Additional Government Pleader



O R D E R

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed for a direction to the respondents to switch over the petitioner's Secondary Grade Teacher Service from Contributory Pension Scheme (CPS) to Teacher Provident Fund Pension Scheme (TPF) in accordance with Rules 24 and 25 of the Tamil Nadu Pension Rules, 1978.

3. The petitioner was initially appointed as Grade - II Police Constable at Tirunelveli on 24.05.1999 and he has completed more than five years of service up to 25.10.2004 and his post was held with pensionable service under General Provident Fund (GPF) Scheme in regular time scale of pay. In such circumstances, out of love towards the teacher profession, he has applied for the post of Secondary Grade Teacher and got the appointment order issued on 26.10.2004. Therefore, he resigned the post of Grade - II Police Constable on 25.10.2004. But, due to the administrative reasons, he could not able to join duty on 26.10.2004 at 10.00 a.m. The appointment letter was issued only on 26.10.2004 at 4.00 p.m. Therefore, he joined duty on 27.10.2004 as a Secondary Grade Teacher at Sivagurunathapuram Panchayat Union School, Keelapavoor, Tenkasi District. Under such circumstances, his pension proposal under General Provident Fund Scheme was rejected by the fifth respondent on the ground that there was a delay in joining the post of Secondary Grade Teacher after resigning the post of Grade - II Police Constable. The said order was passed on 10.09.2015. Against which, the petitioner herein has preferred an appeal before the third respondent on 29.10.2015. However, the said appeal has not been disposed of till date.

4. Mr.N.Shanmugaselvam, learned Special Government Pleader appearing for the respondents would submit that since the petitioner has preferred an appeal against the order dated 10.09.2015, appropriate direction may be issued to the third respondent to dispose of the appeal in a time bound manner, that would suffice to meet out the requirement of the petitioner.

5. Though the petitioner has sought for a larger relief, the learned counsel appearing for the petitioner has restricted his prayer only to dispose of the appeal dated 29.10.2015, at the earliest point of time.

6. In view of the submissions made by both the counsels, this Court directs the third respondent to dispose of the appeal of the petitioner dated 29.10.2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
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- 2.The Accountant General,
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+1 CC to SPL GP (SR-23377[F] dated 30/11/2020)

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