



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.12224 of 2015

Mr.K.Manivel

... Petitioner

Vs.

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

2.The Director of Elementary Education,
DPI Complex,
College Road,
Chennai-600 006.

3.The District Elementary Education Officer,
Dindigul,
Dindigul District.

4.The Assistant Elementary Education Officer,
Ottanchathiram,
Dindigul District.

5.The Director of Pension,
No.259, Anna Salai,
Block-3, 2nd Floor, DMS Complex,
Teynampet,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.3 to enroll 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 Petitioner : Mr.G.Karthik
for M/s.T.Lajapathiroy

For Respondents : Mr.P.Mahendran
Additional Government Pleader

ORDER

The grievances of the writ petitioner is that he was appointed as Selection Grade Teacher in a Aided School and his initial appointment was approved in the year 2001. The petitioner was



receiving the Government salary right from his date of appointment from the year 2001. However, the petitioner resigned the said post and joined in a Government School in the year 2005. Therefore, his name was included in the pension Scheme.

2.The learned counsel appearing on behalf of the petitioner states that the name of the petitioner must be included in the General Provident Fund(G.P.F), in view of his initial appointment was approved by the aided school authorities.

3.The learned Additional Government Pleader appearing for the respondents objected the said contention by stating that the petitioner has resigned the job. Resignation amounts to forfeiture of the past service, as per the Pension Rules. The petitioner has accepted the appointment in the Government School as a fresh entry in the year 2005, therefore, for the purpose of fixation of pension, the case of the writ petitioner is to be considered from the date of appointment in a Government School in the Education Department.

4.In this view of the matter, the respondents are directed to verify the service records of the writ petitioner regarding his resignation and to identify whether the writ petitioner has obtained appropriate permission from the competent authorities to take appointment from the Government and all these factors are to be considered with reference to the records available and appropriate orders to be passed. The writ petitioner is permitted to submit a fresh representation setting out the facts and details and the respondents are directed to pass appropriate orders on merits and in accordance with law as expeditiously as possible.

5.With these directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary,
State of Tamil Nadu,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.



2.The Director of Elementary Education,
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+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-23232[F] dated
30/11/2020)

+1 CC to M/s.SP1 GP (SR-23316[F] dated 30/11/2020)

W.P. (MD) No.12224 of 2015
27.11.2020

SJ(CO)
KB(17.12.2020) 3P 8C