



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.10770 of 2021

and W.M.P. (MD)No.8392 of 2021

WEB COPY

G.Nirmala Nesamani

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The The Principal Accountant General (A&E),
O/o. The Principal Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai,
Chennai - 600 018.
- 3.The Commissioner,
Government data Centre,
Nandhanam, Chennai - 35.
- 4.The Director of School Education,
O/o. The Director of School Education,
DPI Compound,
College Road, Chennai - 600 006.
- 5.The Chief Educational Officer,
O/o. The Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
- 6.The District Educational Officer,
O/o. The District Educational Office,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction and disburse the pension amount and other retirement benefits of the petitioner under the contributory pension scheme vide Account No.337253/EDN admissible to the petitioner with 18% accrued interest thereon within the period that may be stipulated by this Court.

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

For Respondents : Mr.P.Subbaraj,
Govt. Advocate for R1 & R3 to R6.
Mr.Saravanakumar for R2



ORDER

The petitioner has come out with the present Writ Petition for a direction to the respondents to sanction and disburse the pension amount and other retirement benefits of the petitioner under the contributory pension scheme, vide Account No.337253/EDN admissible to the petitioner with 18% accrued interest thereon within the period that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 and 3 to 6 and the learned counsel appearing for the second respondent.

3. According to the petitioner, she was initially appointed as P.G. Assistant (Tamil) on 17.04.2003 at SCMS Girls Higher Secondary School, Sachiapuram, Virudhunagar District. Thereafter, she was transferred and posted as P.G. Assistant (Tamil) on 29.10.2003 at O.C.P.M. Girls Higher Secondary School, Narimedu, Madurai District. Thereafter, promoted as Headmaster of Higher Secondary School on 03.03.2017 at St. Andrews Girls Higher Secondary School, Ramanathapuram District. She was allowed to retire from service, on attaining the age of superannuation on 29.02.2020. While she was in service, the Government introduced the new pension scheme with effect from 01.04.2003 and also issued G.O.(MS)No.430, Finance (Pension) Department, dated 06.08.2003, making the contributory pension scheme mandatory for all the employees subsequent to 01.04.2003. The petitioner's appointment was made after 01.04.2003 i.e., 17.04.2003 and therefore, she was assigned contributory pension scheme Account No.337253, by the second respondent, vide his proceedings in Mu.Mu.No.3788/A3/2003, dated 02.09.2004. The second respondent deducted the monthly contribution from the petitioner's salary with effect from 02.09.2004 to till the date of her retirement i.e., on 29.02.2020. Even though the petitioner was allowed to retire, on attaining the age of superannuation, on 29.02.2020, she was not paid with any contributory pension amount so far and other retirement benefits were also not disbursed, except GPF amount. Hence, the petitioner has given a representation to the respondents seeking to disburse the retirement benefits. However, the second respondent rejected the representation of the petitioner, stating that she is not coming under old pension scheme and she will be coming under the new contributory pension scheme. Thereafter, the petitioner sent a detailed representation dated 16.07.2020 to the fifth respondent. However, till date, no action has been taken by the respondents to disburse the pensionary benefits. Hence, the petitioner has come up with the present Writ Petition.

4. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, it is suffice to direct the third respondent to consider the representation of the petitioner, dated 16.07.2020. The third respondent is directed to consider the representation of the petitioner, dated 16.07.2020 and pass orders on merits within a period of four weeks from the date of



receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)

vsm

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 Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
- 2.The The Principal Accountant General (A&E),
O/o. The Principal Accountant General (A&E),
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+1 CC to M/s.SPL GP (SR-20877[F] dated 01/07/2021)

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