



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11180 of 2021

S.Sankar Ganesh

... Petitioner

Vs.

1.Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

2.District Educational Officer,
Nagapattinam Educational District,
Nagapattinam.

3.Secretary & Correspondent,
National Higher Secondary School,
Neela South Street,
Nagapattinam - 611 001.

4.The Accountant General (A & E) Tamil Nadu,
O/o. The Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
Chennai - 600 006.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to pass orders for restoration of Teacher Provident Fund No.337086 originally assigned to the petitioner under Tamil Nadu Pension Rules, by considering the representations submitted by the Petitioner lastly submitted on 17.09.2016, will all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For R1 & R2 : Mr.V.Nanmaran

Additional Government Pleader

For R3 & R4 : No appearance



O R D E R

According to the learned counsel for the petitioner, the petitioner has made a representation dated 17.09.2016 claiming restoration of Teacher Provident Fund No.337086. So far, no order has been passed by the respondents. Hence, the present writ petition.

2.The learned counsel appearing for the petitioner submitted that originally, the petitioner was appointed as Art Teacher/Drawing Master and he was allotted with Teacher Provident Fund (TPF) Number 337086 under the Tamil Nadu Pension Rules and contributions were deducted from his salary under TPF. However, in the year 2005, the deduction made under TPF was suddenly stopped and thereafter, the petitioner had submitted a representation to the respondents through proper channel for the purpose of continuity of TPF but no deduction was made from his salary till the year 2010. Subsequently, deductions were sought to be made from the year July 2010 towards Contributory Pension Scheme (CPS) in CPS.No.402169, without any notice or without obtaining any letter of consent by the petitioner. Therefore, the petitioner has made a representation before the respondents for restoration of TPF under Tamil Nadu Pension Rules by not accepting CPS but the same has not been considered by the respondents.

3.Further, the learned counsel for the petitioner submitted that the appointment of the petitioner is subsequent to the New Pension Scheme announced by the Government dated 01.04.2003, then also contributions were deducted from his salary under TPF. Further, he submitted that similarly placed persons, who have been appointed as teachers subsequent to the petitioner's date of appointment, originally assigned with TPF number and they are still allowed to continue under Teacher Provident Fund under Tamil Nadu Pension Rules.

4.The learned Additional Government Pleader, appearing for the respondents submitted that, the petitioner's representation dated 17.09.2016 for restoration of Teacher Provident Fund No.337086 will be considered and orders will be passed by the first respondent/Chief Educational Officer, Nagapattinam District.

5.Heard the learned respective counsels and perused the materials placed on record.



6. On perusal, it is seen that the petitioner was appointed as an Art Teacher in the third respondent/Government Aided School on 21.04.2003 and there is no dispute that the petitioner's appointment was subsequent to the announcement of the new Pension Scheme by the Government, dated 01.04.2003 but according to the petitioner the respondent has deducted TPF from the petitioner's salary under the Tamil Nadu Pension Rules from the years 2003 to 2005 and thereafter, the deductions were made under new Pensionary Scheme from the year 2010. Therefore, he has made a representation to the respondents and the said representation is still pending with the respondents.

7. In view of the above facts and circumstances of the case and considering the representation made by the petitioner is pending before the respondent, it is for the respondent to consider the said representation and pass the appropriate orders.

8. Therefore, this Court directs the first respondent/Chief Educational Officer to consider the petitioner's representation dated 17.09.2016 and pass appropriate orders on merits, in accordance with law as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Chief Educational Officer,
Nagapattinam District,
Nagapattinam.

2. The District Educational Officer,
Nagapattinam Educational District,
Nagapattinam.



3.The Secretary & Correspondent,
National Higher Secondary School,
Neela South Street,
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4.The Accountant General (A & E) Tamil Nadu,
O/o. The Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate Sr.8473

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srg 25/02/2022