



W.P. No.32190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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N. Padmavathi

...Petitioner

VS.

1. The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Department of School Education,
Fort St. George,
Chennai – 9.

2. The Principal Accountant General,
Office of the Accountant General (Accounts & Entitlement),
361, Anna Salai,
Teynampet,
Chennai – 600 018.

3. The Director of School Education,
College Road,
Nungambakkam,
Chennai – 600 006.

4. The Chief Educational Officer,
Vellore District,
Vellore.

5. The District Educational Officer,
Vellore District
Vellore.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to bring the petitioner under Old Pension Scheme and refund the subscription already made by her towards the New Pension Scheme and allot GPF Account Number for grant of pension and other pensionary and retirement benefits to the petitioner under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by taking into account 50% of the service put in by the petitioner from 01.03.1995 to 28.02.2005 for her service as a Part-Time Sweeper along with her regular service as a Full-Time Sweeper and Gardener rendered from 01.03.2005 to 31.05.2019 to arrive at total qualifying service for pension and disburse the arrears and other pensionary benefits thereof with reasonable interest.

For petitioner : Mr.P.A. Arvinth Viveks
For respondents : Mr.S. Yashwanth,
Addl. Govt. Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.S. Yashwanth, learned Additional Government Pleader accepts notice for the respondents.

3. The petitioner has filed this writ petition seeking for a Mandamus to direct the respondents to consider and pass orders on the petitioner's representation dated 18.11.2022 to bring the petitioner under Old Pension



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Scheme and for the refund of subscription recovered from the petitioner towards New Contributory Pension Scheme, within a time frame to be fixed by this Court.

4. The petitioner joined public service as Part-Time Sweeper on 01.03.1995. The services of the petitioner was regularised with effect from 01.03.2005, upon completion of 10 years of service. According to the petitioner as per Rule 11(4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010, the petitioner is eligible to fall under the old pension scheme. The petitioner has given a representation on 18.11.2022 to the respondents to place him under the old pension scheme. Since the representation has not been considered, till date, he has filed this writ petition.

5. Heard Mr.P.A.Arvinth Viveks, learned counsel for the petitioner and Mr.S. Yashwanth, learned Additional Government Pleader for the respondents.

6. No prejudice would be caused to the respondents, if the representation of the petitioner, dated 18.11.2022 is considered on merits and in accordance with law. This Court is not expressing any opinion on



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the merits of the petitioner's claim.

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7. For the foregoing reasons, this Court directs the first respondent to consider the petitioners' representation, dated 18.11.2022 in the light of Rule 11 (4) of the Tamil Nadu Pension Rules as amended in G.O. Ms.No.41 Finance (Pension) Department, dated 09.02.2010 and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition stands disposed of.

No costs.

30.11.2022

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

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Tirupathur District.



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ABDUL QUDDHOSE, J.

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