



W.P. No.33902 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.33902 of 2022

and

W.M.P. No.33395 of 2022

R.Vasugi

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Petitioner

VS

1. The Union Territory of Puducherry

Rep. by its Secretary

Department of Education

Chief Secretariat, Puducherry - 605 001.

2. The Director

Directorate of Higher and Technical Education

Government of Puducherry

Pipmate Complex, Lawspet Road

Puducherry - 8.

3. The Principal

Bharathidasan Government College for Women

Puducherry - 605 001.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to consider the petitioners representation dated 12.09.2022 and convert the petitioner pension scheme from the new scheme to the old scheme at the earliest.



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For Petitioner : Ms.R.Moneshaa
For Respondents : Ms.G.Djearany
Government Advocate

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Ms.G. Djearany, learned Government advocate accepts notice for the respondents.

3. The petitioner is an Assistant Professor in the third respondent College. She is retiring from service on 31.12.2022. According to her, as per the Office Memorandum dated 11.06.2020 issued by the Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners' Welfare, she will fall under the old pension scheme. The petitioner has given a representation on 12.09.2022 to the first respondent requesting to grant her pension as per the old pension scheme in accordance with the Office Memorandum dated 11.06.2020 referred to supra. Since the representation has not been considered till date, she has filed this writ petition.



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4. Heard Ms.R.Moneshaa, learned counsel for the petitioner and Ms.G.Djearany, learned Government Advocate for the respondents.

5. The petitioner has filed documents along with this writ petition to substantiate her claim that she will fall under the old pension scheme. It is for the respondents to consider the same on merits and in accordance with law.

6. No prejudice would be caused to the respondents, if the petitioner's representation, as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 12.09.2022, after giving due consideration to the Office Memorandum dated 11.06.2020 issued by the Ministry of Personnel, Public Grievances and Pension, Department of Pension and Pensioners' Welfare, Government of India, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the aforesaid directions, the writ petition is disposed of.

There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking order/Non-speaking order

drm/vsi2

To

1. The Secretary
The Union Territory of Puducherry
Department of Education
Chief Secretariat, Puducherry - 605 001.
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ABDUL QUDDHOSE, J.

(drm)

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