



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2022**

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.[MD].No.3611 of 2020

S.Yesuraj

... Petitioner

Vs.

- 1.The Director,
Elementary Education,
College Road,
Chennai-06.
- 2.The Accountant General,
Office of Accountant General,
Chennai.
- 3.The District Educational Officer,
Aruppukottai Education District,
Virudhunagar District.
- 4.The District Educational Officer,
Virudhunagar Education District,
Virudhunagar District.
- 5.The Block Educational Officer,
Virudhunagar Block,
Virudhunagar District.
- 6.The Block Educational Officer,
Thiruchuli Block,
Virudhunagar District.
- 7.The Secretary,
Thiruvalluvar Vidhyasala Middle School,
Virudhunagar.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to approve the petitioner's service which was rendered in the 7th respondent School from 06.07.2001 to 05.08.2005 and direct the respondents to include the petitioner's service under the old pension scheme by considering the petitioner's representation dated 17.10.2019.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.J.Gunaseelan Muthiah

For Respondents : Mr.J.Ashok

Additional Government Pleader
for RR1, 3 to 6

Mr.P.Gunasekaran for R2

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O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to approve the service of the petitioner and include his service under the old pension scheme by considering the representation of the petitioner dated 17.10.2019.

2. According to the petitioner, he is working as Junior Grade Secondary Grade Assistant in CSI Primary School, Kalayarkarisalkulam East from 08.08.2005. Earlier, he was appointed as Secondary Grade Teacher in the seventh respondent school in a sanctioned post. Though the seventh respondent school sent proposals to the fourth respondent to give approval to the petitioner's post, the fourth respondent did not consider the same. Hence, the petitioner was constrained to move to another school. Now, the Educational Authorities included the service of the petitioner for pension under Contributory Pension Scheme by considering his date of appointment in the present school (i.e.,) 08.08.2005. In fact, the post in which the petitioner was earlier appointed on 06.07.2001, was a sanctioned post and the appointment was also made with permanent. Hence, his pension should be covered under old pension scheme. In this regard, he sent representations to the respondents herein on 17.10.2019, however, the same has not been considered by the respondents. Hence, the petitioner is before this Court by way of this writ petition.

3. The learned counsel for the petitioner submits that it would be sufficient if a direction is given to the respondents to consider the representation of the petitioner.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents would state that the representation of the petitioner will be considered.

5. In view of the limited scope of the relief sought for, this Court, without expressing anything on the merits of the case, directs the respondents to consider the representation of the petitioner dated 17.10.2019 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar

To

1. The Director,
Elementary Education,
College Road, Chennai-06.
2. The Accountant General,
Office of Accountant General,
Chennai.
3. The District Educational Officer,
Aruppukottai Education District,
Virudhunagar District.
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Virudhunagar Block,
Virudhunagar District.
6. The Block Educational Officer,
Thiruchuli Block,
Virudhunagar District.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-1120[F] dated 11/01/2022)

+1 CC to M/s.SPL GP (SR-1280[F] dated 11/01/2022)

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ssb

MS/18.03.2022/3P.9C