



W.P(MD)No.4548 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4548 of 2022

R.Lakshmi Narayani

... Petitioner

Vs

1.The Chief Educational Officer,
Trichirappalli.

2.The District Educational Officer,
Trichirappalli.

3.Vivekananda Higher Secondary School,
Represented by its Secretary,
Thirupparaithurai – 639 115,
Trichirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the monetary benefits, namely, the Contributory Pension Scheme Accumulation i.e. the petitioner's contribution along with Government Contribution and interest thereon, within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.J.Ashok
Additional Government Pleader for R.1 & R.2
Mr.R.Ponkarthikeyan for R.3



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner joined the third respondent School as B.T Assistant (English) on 01.06.2006. The petitioner was afflicted with cancer and she had to quit the service. She submitted a letter of resignation on 12.04.2021 to the School Management. The School Management accepted the same and also relieved her from service. Subsequently the writ petitioner had second thoughts and requested the School Management to permit her to take back the resignation letter so that she can re-join the duty. The said request was rejected by the School Management on 25.11.2021. The grievance of the petitioner is that till date, her benefits have not been settled. That led to the filing of this writ petition.

3. The official respondents have filed a counter affidavit and the learned Special Government Pleader took me through its contents. The learned counsel appearing for the third respondent clarified that the petitioner having quit her job on 12.04.2021 cannot be allowed to change her stand.

4. I carefully considered the rival contentions and went through the materials on record.



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5.The writ petitioner had joined the service only on 01.06.2006 and therefore, she is governed by the Contributory Pension Scheme introduced by Government of Tamil Nadu vide G.O(Ms)No.59 Finance [PGC] Department dated 22.02.2016. Unlike the earlier pension scheme in terms of which a person resigning from service will have to forfeit the past services. Under the new CPS scheme, there is no such impediment. In CPS scheme, the subscribers who have retired or resigned or died or terminated from service, can get the benefits to which they are entitled. This is the position that obtains as on date. It is true that the Government of Tamil Nadu has issued G.O(Ms)No.100 Human Resources Management Department, dated 07.09.2022 denying the benefit of encashment of leave to those who have resigned from service. Since this Government Order will have only prospective effect and not retrospective effect, the benefits payable to the petitioner will have to be determined with reference to the position that obtained on 12.04.2021. The third respondent is directed to send the pension proposals pertaining to the writ petitioner to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order. The respondents 1 and 2 will take a call in the matter and ensure that all the terminal and pensionary benefits are disbursed to her within a period of ten weeks thereafter.



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6. This writ petition is allowed on these terms. No costs.

11.10.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 18.10.2022.

To

The Tahsildar,
Orathanadu Taluk,
Orathanadu,
Thanjavur District.



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G.R.SWAMINATHAN, J.

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