



**W.P.(MD)No. 6553 of 2020**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED: 19.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.6553 of 2020**

A.S.Rajan

... Petitioner

**Vs.**

1.The State of Tamil Nadu  
Rep. By its Secretary,  
Department of School Education,  
Fort St.George, Chennai – 600 009.

2. The Director of Elementary Education,  
College Road, Chennai – 600 006.

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

4. The Chief Educational Officer,  
Karur District at Karur

5. The District Educational Officer,  
Karur, Karur District.

6. The Block Educational Officer,  
Kadavoor, Karur District.

... Respondents



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**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Director of Elementary Education to consider and pass orders on the representation submitted by the petitioner on 10.12.2019 requesting to place the petitioner under the Old Pension Scheme based on the initial date of appointment of the petitioner as Secondary Grade Teacher on 12.03.2001 in Annai Vailankanni High School, Sastri Nagar, Vyasarpady, Chennai and relieved on 20.07.2003 and subsequently joined in the Panchayat Union Middle School, Naluran Patti, Kadavoor Union, Karur District on 20.07.2004 i.e without break in service on par with the similarly placed persons.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

### **ORDER**

This writ petition has been filed for a direction to the Director of Elementary Education to consider and pass orders on the representation submitted by the petitioner on 10.12.2019 requesting to place the petitioner under the Old Pension Scheme.



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2. The case of the petitioner is that when the petitioner was initially appointed as Secondary Grade Teacher on 12.03.2001 as per the proceedings of the Director, dated 05.01.2001 the said post was approved by the District Educational Officer, Chennai and the scale of pay for the post was fixed as Rs.4500-125-1000. Thereafter, as per State-wide Employment Exchange Seniority, the petitioner has again appointed in the Panchayat Union Middle School, Naluran Patti, Kadavoor Union, Karur Distric on 20.07.2004 without break in service on par with the similarly placed persons. The petitioner is entitled to be placed under the old pension scheme from the initial appointment of the petitioner. Hence, he sent a representation on 10.12.2019 in terms of the letter No. 92399/Pension/2004-1, dated 13.04.2006 and the Government Letter No. 43459/Finance (Pension)/08-a dated 31.07.2008 and the said representation was not considered. Hence, the petitioner is before this Court.



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3. The learned counsel for the petitioner submits that a direction may be issued to the respondent to consider the representation dated 10.12.2019 in terms of the Government Letter No.12788/Finance (Pension)2007-1 dated 03.03.2007 on merits and in accordance with law, within a specified period.

4. The learned Government Advocate appearing for the respondents 1 and 2 has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 10.12.2019 in terms of the Government Letter No.12788/Finance (Pension)2007-1 dated 03.03.2007 and pass appropriate 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.



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**6. With the above direction, this Writ Petition is disposed of. No**

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**costs.**

**19.12.2022**

Index : Yes/No

Internet : Yes/No

CM

To

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**M.DHANDAPANI,J.**

CM

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