



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.6560 of 2020

A.John Stanley

...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,
Trichy District,
Trichy.
- 5.The District Educational Officer,
Manapparai,
Trichy District.
- 6.The Block Educational Officer,
Manikandan, Trichy District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, 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 08.06.1999 in R.C.M High School, Naduveerapattu, Dharkast post, Chrompet via, Chennai and relieved on 14.10.2004 and subsequently joined in the Panchayat Union Middle School, Kallakkampatti, Marungapuri Union, Trichy District on 15.10.2004 i.e, without break in service on par with the similarly placed persons.

For Petitioner
For Respondents

:Mr.S.Xavier Rajini
:Mr.J.Ashok
Additional Government Pleader

**O R D E R**

This writ petition is filed for a Mandamus to direct the respondents to place the petitioner under the old pension scheme, based on the initial date of appointment of the petitioner as 08.06.1999, as Secondary Grade Teacher, by considering his representation, dated 10.12.2019.

2.The learned counsel appearing for the petitioner submits that initially the petitioner was appointed as Secondary Grade Teacher in R.C.M High School, Naduveerapattu, Dharkast Post, Chennai on 08.06.1999 and placed under old pension scheme bearing TPF No.328214. Subsequently, he was selected and appointed as Secondary Grade Teacher in the Panchayat Uniod Middle School, Kallakkampatti, Marungapuri Union, Trichy District on consolidated pay, as per state wide Employment Exchange Seniority, vide proceedings dated 09.10.2004 and in pursuance to the proceedings, he joined duty on 15.10.2004. The respondents are not placing the petitioner under old pension scheme and deducting contribution from the petitioner's salary towards Contributory Pension Scheme, considering the petitioner's date of joining as 15.10.2004. The learned counsel appearing for the petitioner further submits that similarly placed persons have come under the old pension scheme and the same benefit may be extended to the petitioner also. In this regard, the petitioner made several representations and finally he made representation on 10.12.2019, to the respondents to place him under the old pension scheme. Since the representation of the petitioner was not considered so far, he is before this Court, with the present writ petition.

3.Today (07.01.2022), when the matter is taken up for hearing, the learned Additional Government Pleader submits that though the petitioner claimed that he made representation on 10.12.2019, no such representation is available in the office, thereby no such decision has been taken so far.

4. In view of the submissions made by the respective counsel, this writ petition is disposed of with a direction to the petitioner to furnish another copy of the representation within a period of two weeks from the date of receipt of a copy of this order. On such receipt of representation, the respondent shall consider the representation and pass an order within a period of twelve weeks from thereon. No costs.

Sd/-

Assistant Registrar (CS III)

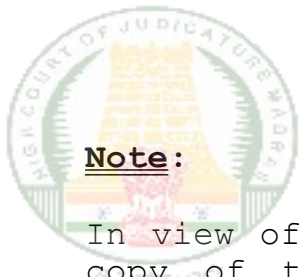
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/ /2022

Sub Assistant Registrar(CS)

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
Department of School Education,
Fort St.George,
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Manikandan, Trichy District.

+1 CC to M/s.SPL GP (SR-1292[F] dated 11/01/2022)

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MGJ(08.03.2022) 3P 8C