



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.21714 of 2019

WEB COPY

N.Indrani

... Petitioner

Vs.

1.The Principal Accountant General, (A&E)
Tamil Nadu,
No.361, Annasalai,
Chennai-600 018.

2.The District Collector,
Trichy District.

3.The Block Development Officer,
(Village Panchayat)
Panchayat Union,
Uppiliyapuram,
Trichy District.

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in No.PO3/1/10323045/ADK dated 21.05.2019 on the file of the 1st respondent and quash the same and further directing the respondents to pay the General Provident Pension to the petitioner with interest.

For Petitioner : Mr.G.Prabhu Rajadurai

For R2 & R3 : Mr.M.Ramesh
Government Advocate

For R1 : Mr.P.Gunasekaran

ORDER

The order passed by the Accountant General of Tamil Nadu in proceedings dated 21.05.2019, is under challenge in the present writ petition.

2.The petitioner seeking direction to pay General Provident Pension to the petitioner under Old Pension Scheme. The petitioner joined as Muzdoor Grade-I in Public Works Department. Initially, he was engaged on daily wage basis. Thereafter, the petitioner was engaged on consolidate pay with effect from 09.07.2003. The service of the writ petitioner was regularized only with effect from



01.02.2010. Subsequently, the petitioner was promoted as Assistant and further promoted as Accountant and Deputy Block Development Officer in the year 2019. She attained the age of superannuation on 31.03.2019 and retired from service.

3.The claim of the writ petitioner is that she was initially appointed as Mazdoor Grade-I in the year 1987 and therefore, she should be paid pensionary benefits under the General Provident Pension, more specifically, under the Old Pension Rules.

4.The Accountant General of Tamil Nadu passed an order clearly stating that the service of the petitioner was regularized with effect from 01.02.2010 and therefore, the petitioner is falling under the new pension scheme ie., CPS scheme. It is pertinent to note that the petitioner is the member of the CPS Scheme and CPS No.7129644/GA. When the petitioner was falling under the CPS scheme and was serving in the department till 31.03.2019, now she turned around and requested for benefit under Old Pension Scheme. When the petitioner was served after the crucial date of 01.04.2003, the petitioner is not entitled to get the benefit under the Old Pension Rules and she is entitled to get all the benefits under the CPS Scheme only.

5.Therefore, the respondents are directed to settle the benefits under the CPS scheme as applicable in favour of the writ petitioner as expeditiously as possible. However, this Court do not find any infirmity in the order passed by the Accountant General of Tamil Nadu. The petitioner in this regard is at liberty to approach the competent authority for settlement of benefits under CPS scheme and in the event of any such approach, the authority competent shall initiate steps to settle the same as expeditiously as possible.

6.With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ns

To

1.The Principal Accountant General, (A&E)
Tamil Nadu,
No.361, Annasalai,
Chennai-600 018.



2.The District Collector,
Trichy District.

3.The Block Development Officer,
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Panchayat Union,
Uppiliyapuram,
Trichy District.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-21594[F] dated
27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21855[F] dated 27/04/2022)

W.P. (MD) No.21714 of 2019
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RD(07.06.2022) 3P 6C