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W.P.No.19433 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19433 of 2023

S.Bharathi

... Petitioner

Versus

1.The Government of Tamil Nadu,
Rep by its Additional Chief Secretary to Government,
Finance Department,
Fort St.George, Chennai-600 009.

2.The Secretary,
Social Welfare and Women Empowerment Department,
Fort St.George, Chennai-600 009.

3.The Director of Social Welfare,
Directorate of Social Welfare,
2nd Floor Panagal Maligai,
Saidapet, Chennai – 600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue an orders, direction or writs more particularly a writ in the nature of a writ of mandamus directing to the respondents to accord the petitioner to the Non Contributory Pension Scheme obtaining before 01.04.2003.

For Petitioner : Mr.V.Prakash, Senior Counsel for
Mr.M.Karthikeyani

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader



W.P.No.19433 of 2023

ORDER

This Writ Petition has been filed to direct the respondents to accord the petitioner to the Non Contributory Pension Scheme obtaining before 01.04.2003.

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2.The grievance of the Writ Petitioner is that initially, the petitioner has joined duty in the Social Welfare Department, Villupuram as Junior Assistant-cum-Typist on 23.10.2006. As per notification of the Tamil Nadu Public Service Commission, dated 10.10.1998 for the recruitment of 2861 vacancies to the post of Junior Assistant-cum-Typist, the entire selection process was completed within one year and they were appointed on or before the year 1999 and they are covered under the Old Pension Scheme. In this regard, the petitioner has given representation on 09.03.2023 to the respondents for benefit of Non Contributory Pension Scheme instead of Contributory Pension Scheme and the same was received on 10.03.2023, however, no orders have been passed.

3.Considering the limited relief as sought for in this Writ Petition, there shall be a direction to the respondents to consider the representation of the petitioner and pass orders on merits, within a period of two months,



W.P.No.19433 of 2023

taking into consideration of the fact that the others who have been participated in the same selection process, availed the benefit of Old Pension Scheme.

4.Accordingly, this Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

27.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

vv2

To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Fort St.George, Chennai-600 009.
- 2.The Secretary,
Social Welfare and Women Empowerment Department,
Fort St.George, Chennai-600 009.
- 3.The Director of Social Welfare,
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W.P.No.19433 of 2023

N.SATHISH KUMAR, J.
vv2

W.P.No.19433 of 2023

27.07.2023