



WEB COPY



W.P.No.16436 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16436 of 2020

R.Rangaraj

... Petitioner

/Vs/

1.Under Secretary to Government
School Education Department
Secretariat, Chennai 09

2.The Principal Secretary
Finance Department
Government of Tamil Nadu
Chennai 09.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 06.03.2020 for adding the name of the Petitioner in the Tamil Nadu Pension Rules, 1978 scheme in place of the Contributory Pension Scheme within the time limit fixed by this Court.

For Petitioner : Mr.T.Madhumitha

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.P.Sanjai Gandhi
Government Advocate and
Mr.Ahizulla Khan



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Government Advocate (Crl. Side)

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the Respondents to consider the representation of the Petitioner dated 06.03.2020 for adding the name of the Petitioner in the Tamil Nadu Pension Rules, 1978 scheme in place of the Contributory Pension Scheme.

2.The learned counsel for the Petitioner submitted that the Petitioner joined as B.T.Assistant on 01.04.2003 and TPF Acc No.336747 was allotted to her and he was enrolled under Tamil Nadu Pension Rules, 1978. Subsequently, he was informed that he was wrongly enrolled under Pension scheme instead of Contributory Pension Scheme. He was originally selected for the post prior to the date of 01.04.2003 and hence, the Petitioner filed this Petition seeking direction to the Respondents to consider his representation dated 06.03.2020, for adding his name in the Tamil Nadu Pension Rules, 1978 scheme instead of the Contributory Pension Scheme.

3.Heard the learned counsel for the Petitioner and the learned Additional Advocate General for the Respondents.



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4.The learned Additional Advocate General appearing on behalf of the Respondents submitted that as per G.O.Ms.No.259, Finance (Pension) Department, dated 06.08.2003, the employees of this State, who are newly recruited on or after 01.04.2003, are coming under Contributory Pension Scheme only.

5.Taking into consideration the fact that the Petitioner joined duty on 01.04.2003 and G.O.Ms.No.259, Finance (Pension) Department, dated 06.08.2003 was given effect from 01.04.2003, the Respondents are directed to consider the representation submitted by the Petitioner on 06.03.2020, on its own merits and in accordance with law.

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

19.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To

1.Under Secretary to Government
School Education Department
Secretariat, Chennai 09

2.The Principal Secretary
Finance Department
Government of Tamil Nadu
Chennai 09.

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