



W.P.No.21083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21083 of 2023

C.Parameshwaramoorthy

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by its Secretary,
Finance (Pension) Department,
Fort St. George,
Chennai – 9.

2.The Secretary to Government,
Home (Transport) Department,
Fort St. George,
Chennai – 9.

3.The Commissioner,
Transport and Road Safety Commissionerate,
Ezhilagam,
Chepauk, Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 03.03.2023 and bring the petitioner under the Old Pension Scheme prevailed prior to implementation of G.O.No.259, Finance (Pension) Department, dated 06.08.2003 and transfer the pension contribution collected from the Petitioner to the Old Pension Scheme.



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For Petitioner : Mr.R.Karthikeyan
For Respondents : Mr.P.Baladandayutham
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to consider the representation of the petitioner, dated 03.03.2023, and bring the petitioner under the Old Pension Scheme prevailed prior to implementation of G.O.No.259, Finance (Pension) Department, dated 06.08.2003 and transfer the pension contribution collected from the Petitioner to the Old Pension Scheme.

2.It is the case of the petitioner that the petitioner participated in the Group-IV Examinations conducted by the Tamil Nadu Public Service Commission on 06.02.2000, pursuant to its notification dated 07.10.1999, and subsequently, the petitioner got selected vide results published on 01.02.2001. While the other candidates who got selected along with the petitioner were given appointment as early as on 17.08.2001 and were covered under the Old Pension Scheme, the petitioner, being a Differently Abled Person was asked to appear before the Medical Board for



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verification of the medical records as to the disability of the petitioner. It is

the further case of the petitioner that, though he forthwith appeared before the Medical Board, there was an inordinate delay on account of the correspondences between the authorities and ultimately, appointment order came to be issued to the petitioner only on 24.02.2004. In the interregnum, the Government issued a Government Order in G.O.No.259, Finance (Pension) Department, dated 06.08.2003, wherein, a New Pension Scheme namely Contributory Pension Scheme was introduced, wherein, the cut-off date was fixed as 01.04.2003.

3.It is the grievance of the petitioner that, though he participated in the selection process and got selected in the year 2001 itself and the similarly selected candidates were given appointment in the year 2001 itself and were covered under the Old Pension Scheme, the petitioner who is also on the same footing, ought to have been covered under the Old Pension Scheme and not under the Contributory Pension Scheme merely because his appointment order was issued after the cut-off date, i.e., 01.04.2003. The petitioner states that he submitted a representation in this regard, dated 03.03.2023, to the 3rd respondent to include the petitioner under the Old Pension Scheme, however, the same did not evoke any



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response. Aggrieved by the inaction on the part of the 3rd respondent, the petitioner has filed the present writ petition.

4.Considering the facts and circumstances of the case and also having regard to the limited nature of relief sought for in the present writ petition, without going into the merits of the representation of the petitioner or the contentions raised by the petitioner in the present writ petition, this Court directs the respondents to consider the representation of the petitioner, dated 03.03.2023, and pass appropriate orders, on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

18.07.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No



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To
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N. SATHISH KUMAR, J.
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