



WEB COPY



W.P.No.26072 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26072 of 2021

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Petitioner

/vs/

1. The Principal Accountant General (A & AE),
361, Anna Salai, Teynampet,
Chennai – 18.
2. The Secretary (Finance),
Government of Tamil Nadu,
Chennai.
3. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
4. The Commissioner,
Cuddalore Municipality,
Cuddalore.
5. The Commissioner,
Chidambaram Municipality,
Chidambaram.
6. The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 034.



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7. The Chief Educational Officer,
(Opposite Villupuram Bus Stand),
Villupuram.

8. The Head Master,
Government Higher Secondary School,
Anathur – 607 101,
Villupuram District.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents to transfer the GPF account of petitioner with respondents 4 and 5 together with all benefits available to the petitioner to the account of respondents 6 to 8, considering his service to be without break in service.

For Petitioner ... Mr.D.Baskar

For Respondents ... Mrs.Hema Murali Krishnan
Standing Counsel for R1

Mr.P.Sanjai Gandhi
Government Advocate for R2,3, 5 to R8

Mr.P.Srinivasan,
Standing Counsel for R4



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ORDER

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This Writ Petition has been filed to direct the respondents to transfer the GPF account of petitioner with respondents 4 and 5 together with all benefits available to the petitioner to the account of respondents 6 to 8, considering his service to be without break in service.

2. The petitioner who was originally appointed as Assistant Programmer on 16.06.1999 later regularized on 05.07.1999 on regular time scale. Since the petitioner subsequently got selected to the post of B.T.Assistant, he resigned his job as Assistant Programmer with effect from 28.09.2007. Subsequently the petitioner has given a representation to the respondents by stating that he is entitled to get the old Pension Scheme as the GPF account given to him in the earlier post of 'Assistant Programmer' was transferred to a new employer and the same was not considered so far. Hence he had filed this writ petition.

3. Mr.D.Baskar, the learned counsel for the petitioner, claims that as per Rule 25 of the Tamil Nadu Pension Rules, 1978, those individuals who have been working under the pensionable service and relieved and joins a



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new post on a day after the intervening Government or Public Holidays, need not be considered as a break as the intervening period shall be condoned.

4. The letter issued by the Government in Letter No.34911/ Finance (PGC) Department/2009-1 dated 30.12.2009 gives the following clarification:

“ 2. The Government after careful examination directs that in all cases where an employee working under the pensionable service and relieved and joins a new post on a day after the intervening Government or Public Holidays, need not be considered as a break as the intervening period shall be condoned as per Rule 25 of Tamil Nadu Pension Rules, 1978.”

5. As per the above Order, the delay in joining the new post ought to be condoned.

6. Mr.P.Sanjai Gandhi, the learned Government Advocate, submitted that the petitioner can give a fresh representation to the respondents in this regard and the respondents will consider the same and pass appropriate orders.



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7. Accordingly, this Writ Petition is disposed by directing the petitioner to give a fresh representation to the respondents in this regard and on receipt of the same, the respondents shall pass appropriate orders in the light of the existing rules and Government Orders, within a period of six weeks from the date of receipt of the representation to be given by the petitioner. No costs.

14.12.2023

Index: Yes / No

Speaking order / Non-speaking order

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To:

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R.N.MANJULA ,J.

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