



W.P.Nos.28461 and 28466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.Nos.28461 and 28466 of 2023

P.Kuhan	...	Petitioner in W.P.No.28461 of 2023
M.Umarani	...	Petitioner in W.P.No.28466 of 2023

Vs.

1. The State of Tamilnadu
Secretary to Government,
Education Department,
Secretariat, Chennai – 600 009

2. The Joint Director of School Education,
DPI Complex, Chennai - 600 006

3. The Chief Educational Officer,
Villupuram District

4. The Headmaster,
Government Model Girls Higher
Secondary School

Villupuram District – 605 701 ... Respondents in both the petitions

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to admit the petitioners in the old pension scheme by taking into account of the fact that the recruitment process was started by the Teachers Recruitment Board vide Notification No.4/2002/2 dated 09.02.2002, which was issued prior to implementation of the Contribution Pension scheme (CPS) vide



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G.O.Ms.No.259, Finance (Pension) Department dated 06.08.2023.

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For Petitioners : Mr.R.D.Ashok Kumar

For Respondents : Mr.M.Bindran
Additional Government Pleader

COMMON ORDER

Since the issues involved in both the petitions are one and the same, they are taken uptogether and a common order is being passed. sWith consent on either side, the main Writ Petitions themselves are taken up for final disposal at the admission stage.

2. Seeking for issuance of Writ of Mandamus directing the respondents to admit the petitioners in the old pension scheme by taking into account of the fact that the recruitment process was started by the Teachers Recruitment Board vide Notification No.4/2002/2 dated 09.02.2002, which was issued prior to implementation of the Contribution Pension scheme (CPS) vide G.O.Ms.No.259, Finance (Pension) Department dated 06.08.2023, the petitioners have come up with the present petitions.

3. According to the petitioners, they have passed competitive exams conducted by the TRB on 21.04.2002 in various districts, based on the mark obtained in the exam, the TRB vide letter dated 30.05.2022, called the



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petitioners for certificate verification. Thereafter, the petitioner in W.P.No.28461 of 2023 was posted at George Town, Chennai as Block Resource Teacher and the petitioner in W.P.No.28466 of 2023 was posted at Thiruvennainallur, Villupuram District. Since the petitioner in W.P.No.28461 of 2023 was not able to join immediately, the said petitioner requested for modification of appointment order at Villupuram district in February, 2003 and the petitioner in W.P.No.28466 of 2023 joined in Thiruvennainallur, Villupuram district on 03.12.2003. The petitioner in W.p.No.28461 of 2023 again submitted a letter dated 29.05.2003 requesting for modification. Thus the petitioner in W.P.No.28461 of 2023 joined service on 21.06.2003 and at present, the said petitioner is working as P.G.Assistant Botany in Goverment Model Girls Higher Secondary School, Villupuram and the petitioner in W.P.No.28466 of 2023 is working as P.G. Assistant (Maths) at Government Higher Secondary School, Rishivandiyam. The petitioner in W.P.No.28461 of 2023 is at the verge of retirement in December, 2023. The Government issued G.O.Ms.No.259 dated 06.08.2003 introducing Contributory Pension Scheme to the Government Employees recruited after 01.04.2003. Though the petitioners were joined on 03.12.2003, they are in the contributory pension scheme, therefore, the petitioners have submitted a detailed representation dated 17.02.2023 and 16.02.2023 respectively to the respondents, till date the



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respondents have not considered the same, hence this petition.

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4. The learned counsel for the petitioners would submit that TRB Notification was issued on 09.02.2002 and the appointment orders of the petitioners were issued on 15.07.2002 and 02.12.2003 respectively. The representation requesting for modification of order of appointment was sent on 29.05.2003 by the petitioner in W.P.No.28461 of 2023 , however, the petitioners were not placed under old pension scheme, though representation was issued the same was not considered, hence these petitions.

5. Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondents and submitted that if a period of twelve weeks time is granted, the respondents would consider the case of the petitioners.

6. Considering the submission of the learned counsel for the petitioners, without going into the merits of the cases, the respondents are directed to consider the representation of the petitioners dated 17.02.2023 and 16.02.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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7. Accordingly, the Writ Petitions are disposed of. No costs.

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Index:Yes/No

Internet:Yes/No

Speaking / Nonspeaking order

ssd

To

1. The State of Tamilnadu
Secretary to Government,
Education Department,
Secretariat, Chennai – 600 009

2. The Joint Director of School Education,
DPI Complex, Chennai - 600 006

3. The Chief Educational Officer,
Villupuram District

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