



W.P.No.4218 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4218 of 2024

Santhi Arul Mary

...Petitioner

-Vs-

1. The Head Master,
St. Patrick's Anglo Indian Higher Secondary School,
Gandhi Nagar, Adyar,
Chennai-600 020.

2. The District Educational Officer,
Anglo Indian Schools,
No.9, Kamarajar Salai, Triplicane,
Chennai-600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay the monetary benefits which the petitioner is legally entitled for the period from 01.08.2007 to 31.05.2018 under the Contributory Pension Scheme with interest at 18% per annum till the date of payment for delayed payment of the same.



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For Petitioner : Mr.S.Rajeni Ramadas
For Respondent 2 : Mrs.S.Mythereye Chandru
Special Government Pleader

ORDER

This writ petition has been filed directing the respondents to pay the monetary benefits of the petitioner from 01.08.2007 to 31.05.2018 under Contributory Pension Scheme with applicable interest.

2. The petitioner is working in the 1st respondent school from 30.07.2007. The salary was fixed as Rs.4500-125-7000 plus all other allowances prescribed by the Government of Tamilnadu. She was kept under probation till 30.04.2008 and thereafter her service as Middle Grade Teacher (Mathematics) was confirmed by the First Respondent. After completion of her ten years of service, she resigned from her service on 31.05.2018 due to personal reasons. The Contributory Pension Scheme of the Government of Tamilnadu came into effect through G.O.Ms.No.430, Finance (Pension) Department dated 06.08.2004 under which it is mandatory for all the new Government employees who are recruited on or after 01.04.2003 to become a member of the said Scheme. The first respondent School is a Government



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aided Anglo Indian School and the Contributory Pension Scheme is applicable to the Teachers of the first respondent's School. Hence monthly subscription for CPS was deducted from the salary of the petitioner. The petitioner has also contributed the amount which is equivalent to that of contribution made by employee every month. After resignation of the employee, the entire contribution made by both the employer and employee during the service period of the employee will be paid to the employee. However, the petitioner was not paid the Contribution made by the petitioner as well as the employer so far. Therefore, the petitioner submitted representation dated 08.01.2024 before the first respondent but it was not forwarded to the 2nd respondent so far.

3. Considering the above facts and circumstances, the 1st respondent is directed to forward the request made by the petitioner seeking contribution made by the petitioner as well as the employer for the period from 01.08.2007 to 31.05.2018 with applicable interest to the 2nd respondent and on receipt of the same the 2nd respondent is directed to consider the same and pass orders on merits in accordance with law within a period of twelve weeks thereafter.



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

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Index : Yes/No
Internet: Yes/No
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To

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G.K.ILANTHIRAIYAN,J.
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