



W.P.No.15096 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.15096 of 2020

Thilagavathi

...

Petitioner

/vs/

1. Government of Tamil Nadu,
rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.
3. The Accountant General,
Teynampet,
Chennai – 18.
4. The Chief Educational Officer,
Coimbatore – 1.
5. The District Educational Officer,
Coimbatore.



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6. The Assistant Treasury Officer,
Coimbatore.

7. The Headmaster,
Govt. Higher Secondary School,
Chettipalayam, Coimbatore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondent to provide the petitioner month-wise calculation towards employees' contribution to the Contributory Pension Scheme for the period from 01.06.2006 to 31.10.2014, except for July and August 2009 and to sanction and pay her the pensionary benefits contribution for the above period or by receiving the same from the petitioner and also by giving credit to the CPS subscription deducted from her salary in July and August, 2009, together with interest.

For Petitioner ... Ms.Pozhil Ilavenil
for Mr.R.Krishnaswamy

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader
for RR1, 2, 4 to 7

Ms.T.Selvarani for R3



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ORDER

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Heard Ms.Pozhil Ilavenil, the learned Counsel for the petitioner, Mr.P.Gurunathan, the learned Additional Government Pleader for R1, R2, R4 to R7 and Ms.T.Selvarani, the learned Counsel for R3.

2. The petitioner has filed this writ petition seeking a writ of mandamus to direct the respondents to provide month-wise calculation towards the employees' contribution to the Contributory Pension Scheme for the period from 01.06.2006 to 31.10.2014, except for July and August 2009 and to pay pensionary benefits contribution for the above period.

3. The petitioner got appointed on 01.06.2006 and she was regularized in the year 2014 with effect from her date of appointment. The petitioner got retired on 30.04.2020. No doubt the Contributory Pension Scheme was in force from 01.04.2003. Even though the petitioner joined on 01.06.2006, her regularization was not done immediately after her appointment. But on the date when she was regularized, the regularisation was given with retrospective effect from 01.06.2006. It appears that the



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Contributory Pension Scheme has been made only subsequent to the issuance of the order of regularisation and specifically from the month of November, 2014. So far as the period between 01.06.2006 to 31.10.2014 is concerned, no deduction was made from her salary towards Contributory Pension Scheme subscription.

4. Ms.Pozhil Ilavenil, the learned counsel for the petitioner, submitted that in view of the failure on the part of the respondents to furnish Contributory Pension Scheme number, the petitioner should not be prejudiced and hence a direction should be given to the respondents to receive the contribution pertaining to the period between 01.06.2006 to 31.10.2014.

5. Mr.P.Gurunathan, the learned Additional Govt. Pleader, submitted that only due to the non-cooperation on the part of the petitioner to pay huge arrears of contribution between the period 01.06.2006 and 31.10.2014, the said amount could not be credited to her Contributory Pension Scheme account; the petitioner was keeping quiet



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from getting the order of regularisation in the year 2014 till her retirement i.e. 30.04.2020, without raising any objection to her contribution dues to be paid for the period between 01.06.2006 to 31.10.2014.

6. On the verge of retirement only the petitioner has filed this writ petition by stating that her Contributory Pension Scheme contribution pertaining to the period between 01.06.2006 and 31.10.2014 has not been received. However, in the year 2019, the seventh respondent has written a letter to Data Centre of Government Engineering College, Guindy to deduct the arrears of contribution between the period 01.06.2006 and 31.10.2014. Had the petitioner been serious in remitting Contributory Pension Scheme arrears, she ought to have taken steps in the year 2014 itself and she cannot come now file this writ petition. However, it is up to the respondents to impose any nominal interest on the Contributory Pension Scheme arrears.



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7. With the above observation, this Writ Petition is disposed. No

costs.

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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case: Yes / No

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To:

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R.N.MANJULA ,J.

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