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Rev.A.No.70 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

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THE HON'BLE JUSTICE D.KRISHNAKUMAR

Rev.Application No.70 of 2024 and
Contempt Petition No.2720 of 2022

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1. The Commissioner,
Government Date Centre,
Guindy, Chennai-25.
 2. The Additional Assistant Elementary Educational Officer,
Tiruvannamalai,
Tiruvannamalai District.
 3. The Head Master,
Panchayat Union Middle School, Aandipalayam,
Tiruvannamalai Panchayat Union,
Tiruvannmalai District.
- ... Petitioners/Respondents

-VS-

A.Dhamayanthi ... Respondent/Petitioner

Prayer: Review Application filed to review the orders passed in

W.P.No.16562 of 2010 dated 30.11.2021 on the file of this Court.

For Applicants : Mr.P.Kumaresan,
Addl. Advocate General
Assisted by Mr.J.Daniel
Govt. Advocate

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A.Dhamayanthi

... Petitioner/Petitioner

-VS-

Thiru.Chandrakant B.Kamble, I.A.S.,
The Commissioner,
Government Date Centre,
Guindy, Chennai-600 025.

... Respondent/1st Respondent

Prayer: Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the act of disobedience of the order dated 30.11.2021 passed in W.P.No.16562 of 2010.

For Petitioner : Ms.G.Sumitra

For Respondent : Mr.P.Kumaresan,
Addl. Advocate General
Assisted by Mr.P.Balathandayutham
Spl.Govt. Pleader

COMMON ORDER

The Review Application has been filed by the State to review the order dated 30.11.2021 passed in W.P.No.16562 of 2010. The Contempt Petition has been filed for punishing the respondent for having not obeyed the orders of this Court dated 30.11.2021 passed in W.P.No.16562 of 2010.

2. In the Writ Petition filed by the Writ Petitioner in W.P.No.16562 of 2010, this Court, on 30.11.2021, after considering the



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submissions made by the respective parties, had allowed the Writ Petition, by holding as under:

"5. In view of the fact that the petitioner is not claiming pension under old Pension Scheme and her only request is to transfer the amount which is already lying in ASTPF A/c No.337865 of the petitioner to the new TPF account to be created for the petitioner and the reason stated by the respondent is contrary to the request made by the petitioner, the impugned order is set aside. Consequently, the Commissioner, Government Data Centre, Guindy, Chennai, the first respondent herein is directed to pass order afresh in the light of the observation made hereinabove, as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of copy of the order. No costs."

3. The respondents in the Writ Petition have filed the Review Application for reviewing the aforesaid order, whereas the Writ Petitioner seeks to punish the 1st respondent in the Writ Petition for disobedience of the orders of this Court dated 30.11.2021.

4. Learned Additional Advocate General for the Review Applicant has submitted that aggrieved by the order passed in the Writ Petition, a Writ Appeal came to be filed in W.A.No.1300 of 2023, in which, a direction was issued to the Appellants/Review Applicants herein to approach the Writ Court for necessary clarification/modification of the order passed in the Writ Petition. He has further submitted that the Writ Petitioner



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had served as Assistant in Natesan Pillai Aided Primary School, Tiruvannamalai from 09.04.2003 to 16.07.2009 and thereafter, joined as Secondary Grade Assistant from 16.07.2009. New Contributory Pension Scheme (CPS) was introduced to those, who joined on or after 01.04.2003 and on the basis of the circular dated 18.01.2006 issued in Lr.No.10994/D/2006, the Teachers Provident Fund (TPF) account was cancelled in respect of employees, who either temporarily or permanently joined the services after 01.04.2003.

5. According to the Review Applicants, without knowing the nuances and intricacies, it was reported before the Writ Court that creation of new TPF account would be considered for transfer of the amount lying in ASTPF Account No.337865, which is not at all possible, as the Writ Petitioner was already allotted CPS No.7000474734. That apart, she was appointed in the Government service after 01.04.2003 only and therefore, the direction issued by this Court for creation of new TPF account may not be complied with.

6. It is not the case of the Writ Petitioner that she has to be brought



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under Old Pension Scheme and her only request was to transfer the amount lying in ASTPF Account No.337865 to the new account. According to the Review Applicants, if the request of the Writ Petitioner is accepted for the sake of argument, in respect of opening up a new TPF Account, it would amount to extension of all benefits applicable to employees falling under Old Pension Scheme, whereas the Writ Petitioner is covered under the Contributory Pension Scheme. Moreover, as stated by the Review Applicants, the allotment of new TPF Number does not fall within the ambit of 1st Review Applicant and the 1st Review Applicant cannot usurp the jurisdiction of Accountant General (A&E), Tamil Nadu.

7. In view of the afore-stated position and finding force in the submission made by the Review Applicants, the ***Review Application is allowed***, consequent to which, the ***Writ Petition also stands dismissed***, holding that the order impugned in the Writ Petition warrants no interference by this Court.

D.KRISHNAKUMAR,J.,

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8. In pursuance of the dismissal of the Writ Petition, no purpose

would be served in keeping the Contempt Petition pending. Accordingly, the

Contempt Petition is closed. No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

To:

Thiru.Chandrakant B.Kamble, I.A.S.,
The Commissioner,
Government Date Centre,
Guindy, Chennai-600 025.

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