



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.27985 of 2024

Mrs.Mary Joan of Arc

... Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
- 3.The District Educational Officer,
Chennai North, Sholavaram,
Chennai 600 067.
- 4.The Block Educational Officer,
Chennai Tiruvallur High Road,
BDO Office Complex,
Puzhal, Chennai – 600 066.
- 5.The Chief Accounts Officer,
O/o. Commissionerate of Treasuries and Accounts
CPS Cell, Government Data Centre
Perasiriyar K.Anbalagan Maligai,
Nandanam, Chennai – 600 035.



6.The St.Annie Primary School,
Madhavaram,
Chennai – 600 110
Rep. by its Correspondent

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing to provide all the benefits accrued to the petitioner under the Old Pension Scheme based on her services primary school teacher computable from her date of joining on 16.06.2003 continuously and extend medical insurance, increment as applicable under the service rules computable with effect from 16.06.2023 until date of superannuation on 31.01.2023 and issue pension book by assigning specific number within the time frame to be stipulated by this Court.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mrs.P.Rajarajeshwari
Government Advocate
for R1 to R5

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 18.07.2024, wherein, the petitioner has sought for the relief under the Old Pension Scheme.



2. Heard Mr.T.S.Rajamohan, learned counsel appearing on behalf of the petitioner and Mrs.P.Rajarajeshwari, learned Government Advocate appearing on behalf of respondents 1 to 5.

3.The case of the petitioner is that she was working as a Junior Grade Teacher at St. Francis Xaviers Primary School which is a Government aided School. Thereafter she was transferred to the 6th respondent School and the transfer was also ratified and approved by the 2nd and 3rd respondents. The further case of the petitioner is that she was in continuous service w.e.f.16.06.2003 until she attained the age of superannuation on 31.10.2023.

4.The grievance of the petitioner is that she was allotted CPS No.804/504EEA1 and she claims to be entitled to get the benefits under the Old Pension Scheme. However, she has been brought under the Contributory Pension Scheme. The petitioner is relying upon an order passed in a similar case by this Court in W.P.No.31684 of 2023, dated 16.03.2024 and accordingly, made a representation to the respondents on 18.07.2024 to bring her within the ambit of the Old Pension Scheme. Since the same was not considered, the present writ petition has been filed before this Court.



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5. Taking into consideration the facts and circumstances of the case and also the limited relief sought for by the petitioner, there shall be a direction to the petitioner to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall be marked to the 3rd and 4th respondents. The claim made by the petitioner shall be dealt with on its own merits and in accordance with law and a decision shall be taken, within a period of eight weeks from the date of receipt of the fresh representation from the petitioner.

6. This writ petition is disposed of with the above directions. No Costs.

26.09.2024

Internet : Yes
Index : Yes
Speaking Order
Neutral Citation : Yes/No
ssr



To

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N. ANAND VENKATESH, J.

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