



W.M.P.No.33968 of 2024 in W.P.No.11497 of 2024
and
W.M.P.No.33970 of 2024 in W.P.No.18132 of 2024

R.SUBRAMANIAN, J.

and

C.KUMARAPPAN, J.

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the main writ petitions viz. W.P.Nos.11497 of 2024 and 18132 of 2024 is for a writ of declaration that the proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978 as notified in G.O.No.259, Finance (Pension) Department dated 06.08.2003 and Sub-Rule (3) of Rule 4 of General Provident Fund (Tamil Nadu) Rules as notified in G.O.No.304, Finance Department dated 27.05.2004 are illegal and consequently direct the respondents to shift the enrolment of the petitioners under the old pension scheme under the Tamil Nadu Pension Rules, 1978.

2. In effect, the challenge is to the introduction of New Contributory Pension Scheme. It is the claim of the petitioners that in view of the pendency of the writ petition, even the pension payable under the new pension scheme has not been paid to them. Therefore, they seek a direction for payment of the pension as per the existing pension scheme without prejudice to their contention in the writ petition.



3. The petitioners are required to file an undertaking that they will not claim any further due for pension / family pension settlement / benefits in future under Contributory Pension Scheme. It is their apprehension that even if they succeed in the writ petition, the respondents may deny them the benefits of the old pension scheme citing this undertaking.

4. The undertaking is only in respect of the new pension scheme and not the old pension Scheme. It is made clear that this undertaking will not prevent the petitioners from claiming the benefits of the old pension Scheme, if they succeed in the writ petition.

5. There will be a direction to the respondents to release the pensionary benefits of all the petitioners under the new pension scheme. The petitioners shall comply with the requirements for grant of pension under the new pension scheme.

(R.S.M., J.) (C.K., J.)
29.11.2024

dsa



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C.KUMARAPPAN, J.

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