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W.P.No.32327 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.32327 of 2024

1. V.S.Bhuvaneswari
2. S.Nagalakshmi
3. T.SundariBai

... Petitioners

..Vs..

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of Government Education,
Office of the Directorate of Government Examinations,
DPI Campus, College Road,
Chennai – 600 006.
3. The Principal Secretary (Finance),
Finance Department,
Government of Tamil Nadu,
Fort.St.George,
Chennai – 9.
(R3 is *suo motu* impleaded vide this order)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, directing the respondents herein to regularize the services of the petitioner on completion of 10 years of



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service for the purpose of extension of the Old Pension Scheme as per the orders passed by this Court in W.P.No.13998 of 2016, W.P.No.13999 of 2016 and W.P.No.14002 of 2016 vide order dated 02.08.2017 as was done by extending the benefit of the G.O.Ms.No.286 dated 19.07.2016 and G.O.Ms.No.238 dated 07.04.2017 with respect to identically situated individuals by counting 50% of services prior to the date of regularization and according grant pension to the petitioners from the date of their retirement.

For Petitioners : Mrs. Dhakshayani Reddy,
Senior Counsel
for Ms. S.Suneetha

For Respondents : Mrs. S.Mythreye Chandru,
Special Government Pleader
(for R1 & R2)

Mr. Stalin Abhimanyu,
Additional Government Pleader (for R3)

ORDER

This Writ Petition has been filed directing the respondents herein to regularize the services of the petitioner on completion of 10 years of service for the purpose of extension of the Old Pension Scheme as per the orders passed by this Court in W.P.No.13998 of 2016, W.P.No.13999 of 2016 and W.P.No.14002 of 2016 vide order dated 02.08.2017 as was done by extending the benefit of the G.O.Ms.No.286



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dated 19.07.2016 and G.O.Ms.No.238 dated 07.04.2017 with respect to identically situated individuals by counting 50% of services prior to the date of regularization and according grant pension to the petitioners from the date of their retirement.

2. The petitioners were appointed on 08.02.1985 as Section Writers through Employment Exchange in the office of the respondent Department on daily wages. The services of the petitioners were regularized on 20.10.2006 in the post of Record Clerks from the date of the issuance of the Government Order. Thereafter, the petitioners were retired from service in the year 2014-2015. Further, the petitioners filed Writ Petitions in W.P.Nos. 13998, 13999 and 14002 of 2016 before this Court seeking extension of the old pension scheme. On 02.08.2017, those Writ Petitions were allowed with the direction to grant pension to the petitioners by counting 50% of the services rendered by them on temporary basis. Thereafter, the petitioners had made representations dated 25.09.2020, 09.11.2017 and 24.09.2020 respectively to the Respondents seeking extension of old pension scheme, but on 12.10.2021, they were rejected by pointing out that as their services were regularized after 01.04.2003, the old pension scheme could not be extended to them.



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3. It is noticed that the Director of Government Examination has been periodically writing to the Government to extend the benefit of the old pension scheme to the petitioners on the ground that identically situated individuals have all been extended that benefit by G.O. (1D) No. 286, School Education Department dated 19.07.2016 and G.O. (1D) No. 238, School Education Department dated 07.04.2017 based on the directions issued by this Court in several other cases. On 31.08.2023, again the Director of Government Examinations recommended for the extension of the old pension scheme to the petitioners on the ground that 45 individuals identically placed had been extended the benefit of the Government Order. Since, there is no reply from the first respondent, the present Writ Petition has been filed.

4. Since the Principal Secretary (Finance), Finance Department, Government of Tamil Nadu, Fort St.George, Chennai – 9 is the concerned authority for taking decision with regard to disbursement of pension, he is *suo motu* impleaded as the third respondent in this Writ Petition.

5. Heard the learned counsel for both sides and perused the



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materials placed on record.

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6. Taking into consideration the nature of relief sought in this Writ Petition, this Court is inclined to direct the Respondents to consider the claim of the petitioners in the light of G.O. (1D) No. 286, School Education Department dated 19.07.2016, G.O. (1D) No. 238, School Education Department dated 07.04.2017 and G.O. (2D) No. 125, School Education Department dated 08.08.2024 issued by the Government of Tamil Nadu granting similar relief to identically situated individuals, and pass reasoned order within a period of 12 weeks from the date of receipt of a copy of this order.

7. In the result, the Writ Petition is dispose of. No costs.

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Index : Yes/No
Internet : Yes/No
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To

1. The Principal Secretary,



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The State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai – 600 009.

2. The Director of Government Education,
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V.BHAVANI SUBBAROYAN,J.

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