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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32205 of 2024

M.Yuvakumar

... Petitioner

Vs.

- 1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
- 2.The Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai – 600 009.
- 3.The Accountant General,
DMS Campus,
Teynampet, Chennai – 600 018.
- 4.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
- 5.The Chief Educational Officer,
Office of the Chief Educational Officer,
Govt. Boys Higher School Ground,
Krishnagiri, Krishnagiri District 635 001.



6.The District Educational Officer,
Office of the District Educational Officer,
Royakottai Road, Mullai Nagar,
Hosur, Krishnagiri District 635 109.

7.The Head Master,
Govt. Higher Secondary School,
Nallur Village & Post,
Hosur Taluk,
Krishnagiri District 635 103.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner name from contributory pension scheme to Old Pension Scheme prevailed prior to implementation of contributory pension scheme based on the representation of the petitioner dated 01.10.2024.

For Petitioners : Mr.V.Kasinatha Bharathi

For Respondent : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R4 to R7

Mr.Azhizullakhan
Government Advocate for R2

Mrs.J.Sreevidya
Standing Counsel for R3



ORDER

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This writ petition has been filed for issue of writ of mandamus directing the respondents to bring the petitioner under the Old Pension Scheme from the Contributory Pension Scheme in the light of the representation made by the petitioner on 01.10.2024.

2.Heard Mr.V.Kasinatha Bharathi, learned counsel appearing on behalf of the petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of respondents 1, 4 to 7, Mr.Azhizullakhan, learned Government Advocate appearing on behalf of the 2nd respondent and Mrs.J.Sreevidya, learned Standing Counsel appearing on behalf of the 3rd respondent.

3.The grievance of the petitioner is that by virtue of G.O.Ms.No.259, dated 06.08.2003, the Government of Tamil Nadu cancelled the Old Pension Scheme and brought in Contributory Pension Scheme w.e.f., 01.04.2003. According to the petitioner, the selection process of the petitioner was conducted much prior to the issuance of Government Order and as per the orders passed by



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this Court, the petitioner is entitled to be brought under the Old Pension Scheme and whereas, his name has been brought within the scope of the Contributory Pension Scheme.

4.The petitioner made a representation in this regard on 01.10.2024 to the respondents. Since the same did not evoke any response, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to respondents 1 to 3 to deal with the representation made by the petitioner on 01.10.2024 in line with the relevant Government Order and the earlier orders passed by this Court in W.P.No.8584 of 2021, dated 10.02.2023 and W.P.No.31684 of 2023, dated 16.07.2024 and a final decision shall be taken, within a period of two weeks from the date of receipt of copy of this order.

6.The petitioner is directed to make a fresh representation to respondents 1 to 3 along with all the relevant documents and also a copy of this order.



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

29.10.2024

Internet : Yes

(2/3)

Index : Yes

Speaking Order / Non Speaking Order
ssr

To

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2. The Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai – 600 009.

3. The Accountant General,
DMS Campus,
Teynampet, Chennai – 600 018.

4. The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.



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N. ANAND VENKATESH, J.

ssr

5.The Chief Educational Officer,
Office of the Chief Educational Officer,
Govt. Boys Higher School Ground,
Krishnagiri, Krishnagiri District 635 001.

6.The District Educational Officer,
Office of the District Educational Officer,
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