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W.P.No.32573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32573 of 2024

G.Nagarajan

.. Petitioner

Vs.

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

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

3.The Registrar,
Annamalai University,
Annamalai Nagar, Chidambaram,
Cuddalore District – 608 002.

4.The Accountant General,
DMS Campus,
Tenynampet, Chennai – 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue 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.



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For Petitioner : M/s.V.Kasinatha Bharathi
For R1 : Mr.K.Surendran
Additional Government Pleader
For R2 : Mr.K.Tamilvendhan
Government Advocate
For R3 : Mr.S.Sithirai Anandam
Standing Counsel
For R4 : Mrs.J.Sreevidhya
Standing Counsel

ORDER

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 the learned counsel for the petitioner, learned Additional Government Pleader for the 1st respondent, learned Government Advocate for the 2nd respondent, learned Standing Counsel for the 3rd respondent and the learned Standing Counsel for the 4th 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



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canceled 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 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 twelve (12) weeks from the date of receipt of copy of this order.



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

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

30.10.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Secretary to the Government,
Higher Education Department,
Fort St., George, Chennai – 600 009.
- 2.The Secretary to Government,
Finance (Pension) Department,
Fort St. George, Chennai – 600 009.
- 3.The Registrar,
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N.ANAND VENKATESH, J.

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