



WP(MD) No.2315 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.2315 of 2024

and

W.M.P(MD)No.2326 of 2024

N.Ragunathan

... Petitioner

Vs.

1.The Secretary,
The Government of Tamil Nadu,
Finance (Pension) Department,
Fort St.George,
Chennai - 600 009.

2.The School Education Secretary,
Education Department,
Fort St. George,
Chennai - 600 009.



WP(MD) No.2315 of 2024

3.The Account General, Tamil Nadu,
Office of the Accounts General,
(Accounts and Entitlement, Tamil Nadu),
No. 361, Anna Salai,
Chennai - 600 018.

4.The Head Mistress,
Government Hr.Sec. School,
Palani,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in No.P10/IV/pt11784/101-35047 issued by the third respondent dated 08.12.2023 and quash the same as illegal and direct the respondents to bring the petitioner under old Pension Scheme prevailed prior to implementation of contributory Pension Scheme G.O.Ms.No.259 Finance (Pension) dated 06.08.2003.



WP(MD) No.2315 of 2024

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For Petitioner : Mr.S.Sadeskumar

For Respondents : Mr.T.Amjad Khan

Government Advocate

for R.1, R.2 & R.4

: Mr.P.Gunasekaran – for R.3

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the impugned order in No.P10/IV/pt11784/101-35047 issued by the third respondent dated 08.12.2023 and direct the respondents to bring the petitioner under old Pension Scheme prevailed prior to implementation of contributory Pension Scheme G.O.Ms.No.259 Finance (Pension) dated 06.08.2003.

2. Heard Mr.S.Sadeskumar learned counsel for the



WP(MD) No.2315 of 2024

petitioner, Mr.T.Amjad Khan learned Government Advocate appearing for the respondents 1, 2 and 4 and Mr.P.Gunasekaran, learned Standing Counsel appearing for the third respondent.

3. The petitioner who retired from service on 31.05.2023, has filed this writ petition stating that he is entitled to be brought under the old pension scheme, in view of the Delhi High Court Judgment dated 15.01.2021 held in Gurjar and others Vs.Union of India and Others (WP(C) 8208 of 2020).

4. On facts, the petitioner was appointed on 25.06.2004 in pursuant to the notification published on 13.09.2003. Admittedly, the crucial date for the old pension scheme is 31.03.2003 (the cut-off date). The selection process itself commenced by issuing notification on 13.09.2003, on which the date of old pension scheme was not in force.



WP(MD) No.2315 of 2024

5. Unlike the petitioner, in the above Delhi High Court

case, the petitioner has not given any option to continue in old pension scheme by existing in the service, prior to the implementation of the New Pension Scheme. Since the selection process itself has been initiated after old pension scheme came to an end, there is no basis for the petitioner to file this petition for seeking the above relief. As the petition itself is not well founded, it is liable to be dismissed as not maintainable.

6. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

03.06.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM



WP(MD) No.2315 of 2024

WEB COPY

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WEB COPY



WP(MD) No.2315 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.2315 of 2024

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