



W.P.(MD).No.17391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17391 of 2022

P.Rajakumaran

... Petitioner

-VS-

1.The Accountant General

Anna Salai,
Chennai-18.

2.The Branch Officer,

Office of the Principal Accountant General(A&E)
Tamil Nadu,
361, Anna Salai,
Chennai-600 018.

3.The District Collector,

Karur District,
Karur.

4.The Block Development Officer,

K.Paramathy Panchayat Union,
Karur District.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertain to the impugned order passed by the 2nd respondent in



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P03/3/10324349/ADK dated 13.02.2020 and quash the same and consequently direct the respondents to grant pension and other benefits to the petitioner under the old pension scheme for the service rendered by him on regular time scale of pay from 01.09.2006 to 31.07.2012 and 50% of the service rendered by him on consolidated pay from 01.12.1978 to 31.08.2006 for the commutation of pension.

For Petitioner : Mr.G.R.Sathish
For R1 : Mr.S.Mahalakshmi
For R3 & R4 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The instant writ petition has been filed by the retired Panchayat Clerk challenging the order passed by the first respondent herein on 13.03.2020 wherein the request of the petitioner to bring him under old pension scheme has been rejected.

2.The petitioner herein was appointed as a Panchayat Clerk on a consolidated pay on 01.12.1978 and he continued in the said post till 31.08.2006. His services were regularized only with effect from 01.09.2006. However, when pension proposals were sent by the head of the department, the request for considering the petitioner under the old pension scheme, the first respondent has rejected the said proposals on the ground that since the



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petitioner has been regularized only with effect from 01.09.2006 ie., after the cut-off date viz., 01.04.2003, is not eligible for payment of pension under Tamil Nadu Pension Rules, 1978 and he is eligible to receive pension only under the Contributory Pension Scheme.

3.In view of the undisputed factual position, the order of the first respondent herein rejecting the request for accommodating him under the old pension scheme cannot be found fault with. There are no merit in the writ petition and hence, the writ petition stands dismissed. No costs.

20.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1.The District Collector,
Karur District,
Karur.

2.The Block Development Officer,
K.Paramathy Panchayat Union,
Karur District.



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R.VIJAYAKUMAR,J.

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