



W.P.(MD).No.22377 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22377 of 2024

M.Thanalakshmi

... Petitioner

Vs.

1. The Commissioner,
Government Data Centre,
Integrated Finance Department Campus,
5th Floor, Perasiriyar Anbazhagan Maaligai,
571, Anna Salai, Nandanam,
Chennai – 600 035.
2. The Accountant General
(Accounts & Entitlements)
Office of the Accountant General,
(Accounts & Entitlements), Tamil Nadu
No.361, Anna Salai, Teynampet,
Chennai – 600 018.
3. The District Elementary Educational Officer,
Madurai @ Thirumangalam,
Madurai District.
4. The Block Educational Officer,
Thirupparankundram,
Madurai District.



W.P.(MD).No.22377 of 2024

5. The Secretary,
Nethaji Middle School,
No.253, Nehru Street,
Jehindhapuram 2nd Street,
Madurai – 625 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to retain the petitioner in the Old Pension Scheme in TPF No.338425/Edn and consequently disburse all applicable Terminal monetary benefits along with pensionary benefits within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For R1, R3 and R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R2 : Mr.P.Gunasekaran

ORDER

The instant Writ Petition has been filed by a retired Teacher seeking a Mandamus to retain her in the Old Pension Scheme in TPF No.338425/Edn and consequently disburse all applicable Terminal/monetary benefits along with pensionary benefits.



W.P.(MD).No.22377 of 2024

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2. The petitioner was appointed as a Vocational Instructor in the fifth respondent School on 23.04.2003. The said School is an aided private School. The petitioner had attained superannuation on 31.05.2015. While the petitioner was appointed, the petitioner should have been brought under the Contributory Pension Scheme, having been appointed after 01.04.2003. However, by the mistake committed by the School Management, the petitioner was allotted a TPF account number and she continued under the TPF Scheme.

3. After retirement, the School Management has forwarded the pension proposals to the second respondent herein to disburse the pension as per the old pension Scheme. The said proposal was rejected by the second respondent herein vide proceedings on 14.09.2016, stating that the petitioner would not be entitled to receive the benefits of Tamil Nadu Pension Rules, 1978, and she would be entitled to receive pension only under the Contributory Pension Scheme. This order was put to challenge by the writ petitioner in W.P(MD) No.3459 of 2017. This Court, by an order dated 01.12.2021, dismissed the writ petition confirming the fact that the petitioner is not entitled to receive pension under the old pension Scheme.



W.P.(MD).No.22377 of 2024

WEB COPY

4. The present Writ Petition has been filed seeking a Mandamus to retain the petitioner in the old pension scheme. Therefore, it is clear that the prayer sought for by the writ petitioner, which was already rejected by this Court, in W.P(MD) No.3459 of 2017, by an order, dated 01.12.2021 is sought for again before this Court.

5. The learned counsel appearing for the petitioner had made a request that the TPF amount is pending with the authorities and the same is yet to be released. The fifth respondent herein is directed to submit the proposals to the respondents 3 and 4 for disbursing TPF amount to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. In view of the above said facts, there are no merits in the writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

18.10.2024

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