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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 4142 of 2025

And

W.M.P.No. 4643 of 2025

M.Perumal

... Petitioner

..Vs..

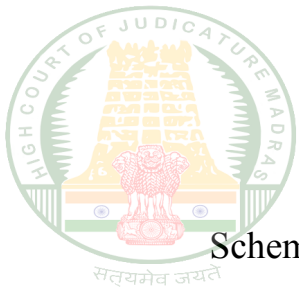
1. The District Collector
Vellore District
Vellore.

2. The District Collector
Thiruvallur District
Thiruvallur.

3. The Block Development Officer
Poondi Panchayat Union
Thiruvallur District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records of the impugned letter dated 18.12.2023 bearing Na.Ka.No. 855/2022/A1, issued by the third respondent and quash the same as illegal and direct the third respondent to pay Rs.3,61,000/- as Provident Fund under Old Pension



Scheme (GPF) to the petitioner.

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For Petitioner

:: Mr. S.Udhaya Kumar

For Respondents

:: Mr. V.Nanmaran

Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records of a letter dated 18.12.2023 issued by the third respondent and quash the same and direct the third respondent to pay Rs.3,61,000/- as Provident Fund under Old Pension Scheme to the petitioner.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had been originally appointed as Contingent Staff at Vellore Panchayat Union on 01.06.1991 on temporary basis. Subsequently, the petitioner service was confirmed on 31.05.2001. The petitioner was transferred as Office Assistant in the office of Block Development Officer, Poondi, Thiruvallur District. The services of the



petitioner was then regularised by an order of the second respondent dated

15.03.2010. The petitioner retired from service on attaining the age of superannuation on 31.05.2015. The petitioner claimed that he was entitled for time scale of Provident Fund since his service had been confirmed with effect from 31.05.2001. It had been stated that however, when he was transferred from the Vellore Panchayat Union where he was working as Office Assistant, Office of the Block Development Officer, Poondi, Thiruvallur District, he was transferred as a Contingent Staff instead of Office Assistant.

3. The petitioner claimed that the Provident Fund had been erroneously sanctioned under the Contributory Pension Scheme and not under the Old pension Scheme. Claiming that the amount of Rs.3,61,000/- should be paid to the petitioner under the Old Pension Scheme, the Writ Petition has been filed.

4. Heard Mr.V.Nanmaran, learned Additional Government Pleader appearing on behalf of the respondents.



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5. The learned Additional Government Pleader had received instructions and very fairly stated that the respondents had forwarded a proposal directing the petitioner to be placed under the Old Pension Scheme and to work out the benefits which had accrued to the petitioner and to pay the same to the petitioner. In this connection, it had been stated that the Block Development Officer at Poondi had also given necessary written instructions stating that the service records of the petitioner is under consideration and that necessary orders would be passed.

6. In view of the same, the impugned order is set aside and the matter is remitted back to the third respondent to pass appropriate orders by taking into consideration the fact that the petitioner services had been actually confirmed as on 31.05.2001 in accordance with the order issued by the Block Development Officer, Vellore, dated 10.11.2006 in proceeding in Na.PA.AA5/9280/2006 and since the service of the petitioner had been confirmed as on 31.05.2021, the petitioner is entitled for the benefits under the old pension scheme / General Provident Fund and would not come under the Contributory pension Scheme. Necessary orders may be passed within a period of six weeks from the date of receipt of a copy of this order.



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7. The Writ Petition stands allowed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

20.02.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The District Collector
Vellore District
Vellore.
2. The District Collector
Thiruvallur District
Thiruvallur.
3. The Block Development Officer
Poondi Panchayat Union
Thiruvallur District.



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C.V.KARTHIKEYAN, J.,

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