



WEB COPY



W.P.No.2604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2604 of 2024
and W.M.P.Nos.2917 & 2855 of 2024

1.S.Yasodhadevee
2.M.Hema
3.T.Prabhu
4.P.Nadukkatturaja
5.T.Selvakumaran
6.P.Rajalakshmi
7.S.Lakshmi
8.V.M.Chandirasekaran
9.J.Anandhi

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep.by the Principal Secretary to Government,
Finance Department,
Fort St./George,
Chennai-600 009.

2.The Additional Chief Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George,
Chennai-600 009.

3.The Deputy Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George,
Chennai-600 009.



W.P.No.2604 of 2024

4.The Secretary to Government,
Human Resources Management Department,
Fort St.George,
Chennai-600 009.

5.The Registrar of Cooperative Societies,
O/o.The Registrar of Cooperative Societies,
No.170, N.V.Natarajan Maaligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai-600 010.

6.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broad Way,
Chennai-600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order vide Letter No.2983/CE1/2023-I dated 23.05.2023 and Letter No.3782/CE1/2023-1 dated 30.06.2023 passed by the 3rd respondent and quash the same and consequently directing the 1st respondent to extend all the benefits under the Tamil Nadu Pension Rules 1978, prior to the Amendment vide G.O.Ms.No.259, Pension (Finance) Department dated 06.08.2003, by bringing the petitioners under Old Pension Scheme and allot General Provident Fund Account Number and transfer their General Provident Fund to the Old Pension Scheme.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr. K.Surendran,
Additional Government Pleader
for RR-1 & 4.

: Mrs.M.Geetha Thamaraiselvan,
Special Government Pleader



WEB COPY



W.P.No.2604 of 2024

for RR-1, 3 & 5
: Mr.B.Vijay for R-6

ORDER

The present Writ Petition has been filed challenging the orders passed by the 3rd respondent herein, in and by which, the petitioner's request to include him under the old pension scheme was rejected on the ground that the Government servants appointed on or after 01.04.2003 are not eligible to claim the benefits of the Old Pension Scheme, in view of G.O.(Ms).No.259, Finance (Pension) Department, dated 06.08.2003.

2. The petitioners were selected and appointed as Deputy Registrar of Cooperative Societies in pursuance to the recruitment notification dated 30.12.2000 issued by the 6th respondent. The petitioner's joined the service on 09.06.2005 vide G.O(Ms) No.83, Cooperation, Food and Consumer Protection (CD.1) Department Dated 16.05.2005. The petitioners had jointly submitted a representation dated 21.06.2023 to the 1st respondent requesting to include them under the Old Pension Scheme which was rejected vide impugned order dated 23.05.2023 on the ground that the Government servants appointed on or after 01.04.2003 are not eligible to claim the benefits of the Old Pension Scheme, in view of G.O.(Ms).No.259, Finance (Pension) Department, dated 06.08.2003 introducing Contributory Pension Scheme (in short "CPS") to the Tamil Nadu



W.P.No.2604 of 2024

State Government Employees with effect from 01.04.2003 by amending Tamil Nadu Pension Rules 1978 and therefore, the petitioners are not eligible to avail the benefit of old pension scheme. Aggrieved by which, the present Writ Petition has been filed.

3. Learned counsel appearing for the petitioners submitted that, though the recruitment notification was issued on 30.12.2000, there was a delay in completing the selection process and issuing appointment orders. He further submitted that, if the selection process was completed within the reasonable time and the appointment orders issued accordingly, the petitioners would have been entitled to the benefits of the old pension scheme under G.O.(Ms).No.259 dated 06.08.2003.

4. It is the further submission of the learned counsel for the petitioners that the delay on the part of the respondents cannot be put against the petitioners. Insofar as the G.O.No.259, the cut-off date was fixed on 01.04.2003 and for the purpose of determining eligibility with reference to the said cutoff date, the date of notification of vacancies alone ought to be taken into consideration. However, the 3rd respondent, without adverting to the said aspect, had rejected the claim of the petitioner which is not sustainable. Accordingly, he prayed for allowing the Writ Petition.



W.P.No.2604 of 2024

WEB COPY

5. In support of his contentions, learned counsel appearing for the petitioners placed reliance upon the judgement of the Hon'ble Apex Court in case of ***P.Ranjitharaj Vs. The State of Tamil Nadu & Ors*** in Civil Appeal Nos. 3176-3177 of 2022 dated 25.04.2022.

6. Learned Special Government Pleader appearing for the respondents reiterating the averments made in the Counter Affidavit submitted that, when G.O(Ms.) No.259 dated 06.08.2003 categorically stipulates that the Government Servants appointed on or after 01.04.2003 are governed by the Contributory Pension Scheme, the petitioners are not entitled to the Old Pension Scheme. The cut-off date under the said G.O was fixed on 01.04.2003. The petitioners having admittedly been appointed after the cut-off date, their claim for old pension scheme was rightly rejected and therefore, the order impugned in this Writ Petition cannot be found fault with. Accordingly, he prayed for dismissal of the Writ Petition.

7. Heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.2604 of 2024

WEB COPY

8. It is not in dispute that the petitioners, having successfully participated in the duly notified recruitment process pursuant to the notification issued on 30.12.2000, were appointed as Deputy Registrar of Cooperative Societies in the year 2005 which is after the cut-off date fixed under G.O.Ms.No.259. The grievance of the petitioners is that, if they were appointed immediately after the recruitment notification or prior to the cutoff date, they would have had the benefit of old pension scheme under the aforesaid G.O. However, there was an inordinate delay on the part of the respondents in completing the selection process which cannot be put against the petitioners so as to deny them the benefit of Old Pension Scheme.

9. In this regard, learned counsel for the petitioners placed reliance upon the decision of the Hon'ble Apex Court in case of ***P.Ranjitharaj Vs. The State of Tamil Nadu & Ors*** in Civil Appeal Nos. 3176-3177 of 2022 dated 25.04.2022.

10. This Court had perused the aforesaid decision, wherein, it is held that the candidates therein had participated pursuant to the recruitment notification dated 9.11.2001, and based on the recommendations made by the Commission, several candidates were appointed on 24.09.2002. However, the appointments of



W.P.No.2604 of 2024

the appellants before the Hon'ble Supreme Court alone were withheld despite their names having been cleared and forwarded while the other batchmates were issued appointment orders. In the said circumstances, the Hon'ble Supreme Court examined the issue as to whether the delay in issuance of appointment orders, is attributable to the appellants therein and could be put against them for the purpose of denying the benefits available to those appointed prior to 01.04.2003 and arrived at a conclusion that the delay was solely on the part of the state and not the appellants. However, the said decision is not applicable to the case of the present petitioners herein. In the instant case, no material has been placed before this Court to show that the appointments of the petitioners were withheld or that similarly placed candidates were appointed prior to cut-off date while the petitioners alone were singled out. In the absence of any such material, the petitioner cannot claim the benefit of old pension scheme under the aforesaid G.O.

11. Further, the G.O.Ms.No.259 categorically stipulates that Government servants appointed on or after 01.04.2003 are not entitled for benefit under old pension scheme. For better appreciation, relevant portion of the order is extract here under:-



W.P.No.2604 of 2024

WEB COPY

14. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

17.12.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Finance Department,
Fort St./George,
Chennai-600 009.

2.The Additional Chief Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George,
Chennai-600 009.

3.The Deputy Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Fort St.George,
Chennai-600 009.

4.The Secretary to Government,
Human Resources Management Department,
Fort St.George,
Chennai-600 009.



WEB COPY



W.P.No.2604 of 2024

M.DHANDAPANI, J

Nhs

5.The Registrar of Cooperative Societies,
O/o.The Registrar of Cooperative Societies,
No.170, N.V.Natarajan Maaligai,
E.V.R.Periyar High Road,
Kilpauk, Chennai-600 010.

6.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broad Way,
Chennai-600 003.

W.P.No.2604 of 2024
and W.M.P.Nos.2917 & 2855 of 2024

17.12.2025