



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-03-2025

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THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP Nos. 6537 & 6540 of 2025

1. Marie Stella
- 2.B.Kamalambal
- 3.M.Paneerselvam@Nagourane
- 4.Meena @ Amina Beevi
- 5.Lione Josap
6. Gevoury

Petitioners in W.P.No.6537 of 2025

- 1.Susaiammal
- 2.Vanmathi

Petitioners in W.P.No.6540 of 2025

Vs

1. The Union Territory of Puducherry
Rep. By the Chief Secretary to the
Government, Goubert Avenue,
Beach Road, White Town,
Puducherry-605 001.

2.Department of Personnel &
Administrative Reforms,
Puducherry, Represented by its Under
Secretary, Goubert Avenue,
Beach Road, White Town,
Puducherry-605 001.

3.The Director,
Local Administration Department,
No.16, Suffren Street,
Puducherry-605 001.

Respondents in both writ petitions



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Prayer in W.P.No.6537 of 2025: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to apply the old pension scheme (Defined Benefit Pension Scheme) to is by taking into account the date of our initial appointment as daily rated/ consolidated wages / work charged / part time employees and refrain from applying the New Pension Scheme (Defined Contribution pension scheme) and grant us all consequential benefits including the refund of the amounts deducted from our monthly salary towards contribution under the New Pension.

Prayer in W.P.No.6540 of 2025: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 11.01.2024.

In both writ petitions:

For Petitioner(s): Mr.Srinivas Krishnan

For Respondent(s): Mr.J.Kumaran AGP (Puducherry)

COMMON ORDER

Both writ petitions have been filed in the nature of mandamus seeking a direction against the second respondent, Department of Personnel & Administrative Reforms, represented by its Under Secretary, Puducherry, to consider the representations given by the petitioners, by which representations, the petitioners sought application of the old pension scheme (Defined Benefit Pension Scheme) to each one of the petitioners. The petitioners had given representations, on the basis of the official memorandum issued by the



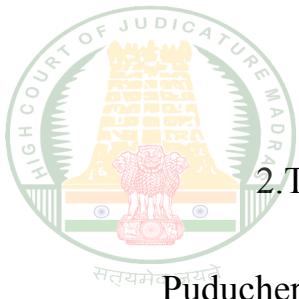
Government of India, Ministry of Personnel, Public Grievances and Pensions

Department of Pension and Pensioners' Welfare. On 03.03.2023, by the official

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memorandum, it had been stated as follows.:

The matter has been examined in consultation with the Department of Financial Services, Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of the Courts in this regard. It has now been decided that, in all cases where the Central Government civil employee has been appointed against a post or vacancy which was advertised/notified for recruitment/appointment, prior to the date of notification for National Pension Scheme i.e., 22.12.2003 and is covered under the National Pension System on joining service on or after 01.01.2004, may be given a one-time option to be covered under the CCS (Pension) Rules, 1972 (now 2021). This option may be exercised by the concerned Government servants latest by 31.08.2023.



2. This particular memorandum had been adopted by the Government of Puducherry by further memorandum dated 20.07.2023, which is as follows.

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With reference to the letter cited on the subject mentioned above, it is informed that as per the O.M.dated 03.03.2023 of the Department of Pension and Pensioners Welfare, Government of India where the Central Government civil employee has been appointed against a post or vacancy which was advertised/notified for recruitment/appointment, prior to the date of notification for National Pension System i.e., 22.12.2003 and is covered under the National Pension System on joining service on or after 01.01.2004, may be given a one- time option to be covered under the CCS (Pension) Rules, 1972 (now 2021). The said O.M. specifically deals with the case of Direct Recruitment finalized on the basis of advertisement/notification issued before 22.12.2003 and it is not applicable to the cases of absorption.

2.Hence, the request of the individual for bringing him under Old Pension Scheme, i.e., CCS (Pension) Rules, 1972 (now 2021) could not be considered.



On the basis of this memorandum, on various dates, each one of the petitioners had given representation.

3.The learned Additional Government Pleader (Puducherry) however contended that both memorandum referred above would not be applicable to the service conditions of the petitioner herein.

4.That is an issue, the respondents will have to examine and answer while considering the representations given. It is further contended on behalf of the respondents that none of the representations had actually been received and acknowledged by the respondents. It would only be appropriate that each one of the petitioners give a fresh representation and when that is given, the second respondent may examine the said representations and also examine the service register or employee records of each one of the petitioners and examine the applicability of the memorandum to the petitioners herein and whether they were eligible to seek the relief and after considering all factors, pass appropriate orders on the representations. The petitioners may give a fresh representation



with a period of four weeks from the date of receipt of a copy of this order and

thereafter, the second respondent may dispose of the representation within a

period of eight weeks from the date of receipt of that representation.

5.The writ petitions stand disposed of. No Costs.

21-03-2025

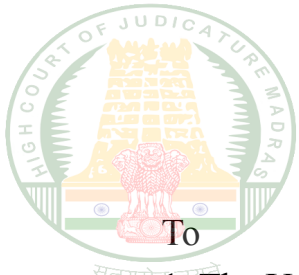
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

1. The Union Territory of Puducherry

Rep. By the Chief Secretary to the Government,
Goubert Avenue,
Beach Road, White Town,
Puducherry-605 001.

2. Department of Personnel & Administrative Reforms,
Puducherry, Represented by its Under Secretary,
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