



W.P.No.9533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.9533 of 2025

B. Mercy

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Petitioner

vs.

1.The Principal Secretary,
School Educational Department,
Secretariat Campus,
Fort St.George, Chennai-600 001.

2.The Director,
Directorate of Elementary Education,
College Road (DPI Campus),
Chennai – 600 006.

3.The Chief Educational Officer,
District Collectorate,
Nilgris District, Nilgris-643 006.

4.The Principal Accountant General,
A&E Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 006.

5.The Managing Director,
Tamil Nadu Tea Plantation Corporation (TANTEA),
The Government of Tamil Nadu undertaking,
Tantea Complex, Convent Road,
Connoor, The Nilgiris.

...

Respondents



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PRAYER: The writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents herein to accept the contribution from the petitioner's salary towards the Teacher provident fund No.SB4062103008/TPF from the date of absorption as Government Teacher viz., 17.12.2014 and to provide all terminal benefits and pension under Old Pension scheme as per the Tamilnadu Pension Rules 1978 by taken in account of her initial appointment dated 25.08.1993 to the date of retirement.

For Petitioner ... Mrs.S.Yogalakshmi

For Respondents ... M/s.Mythreye Chandru,
S.G.P (edu), for R1 to R3

Mr.V.Vijay Shankar For R4

Mr. T.Sreenivasan, SGP
for R5

ORDER

The instant writ petition has been filed for directing the respondents herein to bring the petitioner herein under old pension scheme and to transfer all pension contribution collected from the petitioner vide CPS No.SB4062103008/TPF herein so far to the old pension scheme and grant pension and other terminal benefits to the petitioner under the old pension scheme as per The Tamil Nadu Pension Rules 1978 by taken into the



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account of her initial appointment date 25.08.1993 to the date of retirement.

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2.The learned counsel for the petitioner would vehemently submit that the petitioner was appointed as a Secondary Grade Teacher on 25.08.1993 in Government Aided School prior to the implementation of the Contributory Pension Scheme(CPS). However, the petitioner was recruited as a Government Teacher vide G.O.Ms.No.209 dated 17.12.2014.

3.It is the submission of the petitioner that having served in Government aided Institution prior to 01.04.2003, the denial of pension to the petitioner is nothing but a discrimination.

4.The learned counsel would further invite the attention of this Court that claiming the old pension scheme, the petitioner gave a representation on 21.06.2024.



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5. However, the submission of the petitioner was strongly objected by the learned Special Government Pleader on the sole ground that the petitioner has not been initially appointed under the pensionable service, that is why, the petitioner is not entitled for said pension.

6. However, it is apparent that the petitioner's representation is pending with the respondents for a quite long time without any consideration.

7. In view of the above, without going into the merits of the present writ petition, this Court deems it appropriate to direct the respondents to consider the above petitioner's representation and pass orders, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order according to its own merits and in accordance with law. Accordingly, the writ petition is disposed of. No costs.

Index : Yes/No
Internet: Yes/No
mrp

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C.KUMARAPPAN,J.

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