



W.P.No.31786 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2025

Coram:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.31786 of 2025

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K.Elumalai

.. Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Chief Secretariat, St.George Fort,
Chennai-600 009.
2. Principal Secretary to Government (Expenditure),
Government of Tamil Nadu,
Finance Department,
Chief Secretariat, St.George Fort,
Chennai-600 009.
3. The Principal Accountant General (Accounts and Entitlements),
361, Anna Salai,
Teynampet,
Chennai-600 018.
4. The Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai-620 028.
5. The Municipal Commissioner,
Thambaram Municipal Corporation,
Thambaram,
Chennai-600 045.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the fifth respondent to shift the petitioner in old pension scheme under Tamil Nadu Pension Rules, 1978 as per this Court's order dated 03.07.2023 passed in W.P.No.8726 of 2022 and the Full Bench order of this Court, dated 03.12.2019 in W.A.No.158 of 2016 etc. (batch) and consequently allot General Provident Fund Number and transfer the deducted amount from the petitioner's salary to respective GPF and Pension Accounts maintained under Tamil Nadu Pension Rules, 1978 by considering the petitioner's representation, dated 13.05.2025.

For petitioner : M/s.K.K.Samy

For respondents: Mr.R.U.Dinesh Raj Kumar, Addl.G.P.

for RR-1, 2 and 5

Mr.C.Selvaraj, Addl.G.P. for R-4

Mr.A.N.R.Jaya Prathap, CGSC for R-3

ORDER

This Writ Petition is filed praying for issuance of a Writ of Mandamus directing the fifth respondent to shift the petitioner in old pension scheme under Tamil Nadu Pension Rules, 1978 as per this Court's order dated 03.07.2023 passed in W.P.No.8726 of 2022 and the Full Bench order of this Court, dated

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03.12.2019 in W.A.No.158 of 2016 etc. (batch) and consequently allot General Provident Fund Number and transfer the deducted amount from the petitioner's salary to respective GPF and Pension Accounts maintained under Tamil Nadu Pension Rules, 1978 by considering the petitioner's representation, dated 13.05.2025.

2. From the averments made in the affidavit filed along with the Writ Petition, it is clear that the petitioner was called for interview for the post of sanitary worker on daily wage basis, by the Executive Officer, Sembakkam Town Panchayat and interview was over on 05.05.2000. The Executive Officer, Sembakkam Town Panchayat appointed the petitioner as Sanitary Worker on daily wage basis and the petitioner joined as Sanitary Worker with effect from 06.09.2000. The petitioner was regularised and pay scale was fixed with effect from 23.06.2006, by mentioning G.O.(Ms).No.463, inspite of regularisation from the date of 23.06.2003, but the said G.O. is applicable only to new recruitment and regularisation of posts appointed prior to the date of G.O. Therefore, the petitioner was compelled to file a Writ Petition in W.P.No.17221 of 2012 seeking regularisation from the date of completion of three years on consolidated pay. On 03.07.2012, this Court passed order to shift the date of regularisation with effect from 23.06.2003. According to this Court's order, the petitioner was regularised with effect from 23.06.2003. The regularisation dated is 23.06.2003

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and act to abolish the pension scheme was effected from 01.04.2003. The pension scheme abolition was applicable to the new recruitment and not to the person earlier recruited. Based on the petitioner's stand stating that the petitioner is not a new entrant, the fifth respondent sent proposals for bringing the petitioner under the Tamil Nadu Pension Rules, 1978 and allot GPF number. Based on the proposal of the fifth respondent, the petitioner had also submitted the representation dated 13.05.2025, but no progress is seen and informed to the petitioner. Hence, the petitioner has filed this Writ Petition seeking direction to the first respondent to shift the petitioner into the Tamil Nadu Pension Rules, 1978 and allot GPF Number to the petitioner.

3. Heard both sides and perused the materials available on record.

4. The fifth respondent is the officer authorised to pass orders on the said representation.

5. Considering the facts and circumstances of the case, the fifth respondent is directed to consider the said representation and pass appropriate orders on merits and in accordance with law, on the said representation, within a period of 12 weeks from the date of receipt of a copy of this order and it is made clear that this Court has not made any observation on the merits of the matter and it is for the fifth respondent to consider the matter on merits and in accordance with law while disposing of the said representation.

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6. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

01.09.2025

CS

To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Chief Secretariat, St.George Fort,
Chennai-600 009.
2. Principal Secretary to Government (Expenditure),
Government of Tamil Nadu,
Finance Department,
Chief Secretariat, St.George Fort,
Chennai-600 009.
3. The Principal Accountant General (Accounts and Entitlements),
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5. The Municipal Commissioner,
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