



W.A No.3281 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No.3281of 2025

And

CMP.No. 22573 of 2025

Chandrashekaran

..Appellant

Vs

1.The Assistant Account Officer,
Office of the Accountant General
(Accounts and Entitlement)
361, Anna Salai, Teynampet, Chennai

2.The Secretary,
Department of Social Welfare and Women's Rights,
Saidapet,
Chennai.

3.The District Collector,
Collectorate Office,
Krishnagiri District.



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4.The Block Development Officer,
Bargur Taluk, Krishnagiri District.

5.District Social Welfare Officer,
Krishnagiri District.

..Respondent

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the
order dated 01.04.2025 passed in W.P.No. 4145 of 2023.

For Appellant: Mr. AR. Balaji

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP – R2, R3
& R5

Mr.E.Vijay Anand, AGP - R4

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

The challenge in this intra-court appeal is to the order dated 01.04.2025 passed by the learned Single Judge in W.P. No. 4145 of 2023. By the said order, the learned Single Judge did not accede to the request of the appellant-writ petitioner that his wife was entitled to pension under the Old Pension Scheme.



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2. The appellant contends that his wife was appointed as a Balasevika vide order dated 01.03.1980, and was subsequently promoted as Panchayat Union Welfare Officer on 19.04.2007 and as Superintendent Grade-I on 03.06.2013. She passed away on 10.11.2020. It is therefore contended that she was entitled to pension under the Old Pension Scheme. The writ petitioner submitted a representation to the Block Development Officer informing him of his wife's death and enclosing the relevant documents. As his request was not considered, the appellant was constrained to approach this Court by filing the aforesaid writ petition.

3. Before the writ court, the respondent-State filed a counter affidavit stating that, as per the revised Pension Rules, the appellant's wife was not eligible for pension under the GPF Scheme. It was submitted that the petitioner's wife was initially appointed as a Balasevika under a special time scale of pay, and that the cadre of Balasevika does not fall under the GPF Scheme, as there is no provision or mechanism to recover GPF contributions from persons serving under the special time scale of pay. The learned Single Judge, after considering the above, passed the impugned order. Aggrieved by



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the same, the present writ appeal has been filed.

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4. Learned counsel for the appellant submitted that the date of initial appointment of the appellant's wife, i.e., 07.03.1980, is the determinative factor for deciding the applicability of the Old Pension Scheme, notwithstanding the fact that she was absorbed into the regular time scale of pay only on 28.05.2007. It was thus contended that the order passed by the learned Single Judge is legally unsustainable and liable to be set aside.

5. In response, the learned Government Pleader appearing for the respondents submitted that the appellant's wife was absorbed into the regular time scale of pay only on 28.05.2007, and therefore she is not entitled to pensionary benefits under the Old Pension Scheme, as the Old Pension Scheme is not applicable to employees appointed after 01.04.2003. It was further submitted that, since the appellant's wife had not made any contribution towards GPF, she is not entitled to the relief sought, and therefore the learned Single Judge rightly dismissed the writ petition, which does not warrant interference.



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6. The submissions of the learned counsel for both parties and the materials placed on record have been duly considered.

7. Admittedly, the appellant's wife was appointed as a Balasevika in the year 1980 and was extended the benefit of a special time scale of pay. She was subsequently absorbed as a Panchayat Union Women Welfare Officer on 19.04.2007 and was placed on the regular time scale of pay. Since she entered regular time scale service only after 01.04.2003, she is not entitled to pension under the GPF Scheme. The learned Single Judge, referring to the same, rightly held that Government servants appointed after 01.04.2003 are eligible only for the Contributory Pension Scheme (CPS) and are not entitled to benefits under the Old Pension Scheme.

8. In the absence of any statutory provision extending benefits under the Old Pension Scheme to employees similarly situated, the claim of the petitioner is untenable. Therefore, the learned Single Judge rightly rejected the appellant's claim. This Court finds no illegality or infirmity in the order impugned.



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9. Accordingly, the writ appeal stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

18.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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To

1.The Secretary,
Department of Social Welfare and Women's Rights,
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2.The District Collector,
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R. SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.,

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W.A No. 3281 of 2025

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