



W.P.No.37192 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37192 of 2024

and

W.M.P.No.40192 of 2024

1. A. Gunasekaran
2. S.Mahanthiran
3. V.Natarajan
4. T. Vijayakumar
5. C. Manoranjitham
6. K. Tamilselvi
7. K.Shanthi
8. Nalini

...Petitioners

Vs

1. The State of Tamil Nadu,
Represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai – 09.

2. The State of Tamilnadu,
Represented by its Secretary, Finance
(Pension) Department,
Fort ST George, Chennai -09.

3. The Principal Accountant General
(Accounts & Entitlement),
Tamil Nadu 381, Anna Salai,
Chennai – 600 018.



W.P.No.37192 of 2024

4. The Commissioner of Adi Dravidar Welfare Officer,
Chepauk, Chennai – 600 005.

5. The Commissioner of Tribal Welfare Officer,
Chepauk, Chennai – 600 005.

6. The District Adi Dravidar and Tribal Welfare Officer,
Erode, Erode District.

7. The District Adi Dravidar and Tribal Welfare Officer,
Namakkal, Namakkal District.

8. The District Adi Dravidar and Tribal Welfare Officer,
Coimbatore, Coimbatore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to bring the writ petitioners under old pension scheme, prevailed prior to implementation of Contributory pension scheme (CPS) vide G.O.No.259 Finance (Pension) department dated 06.08.2023 and transfer the pension contribution collected already from the petitioner to old pension scheme, by considering the representation made by the petitioner dated 05.12.2020 & 15.11.2024 to the respondents and pass orders.

For Petitioner : Mr.P. Ganesan

For Respondents 1,2,4 to 8 : Mr.Abishek Murthy
Government Advocate

For Respondent-3 : Mr.G. Vvardini KArthick
Standing Counsel



W.P.No.37192 of 2024

WEB COPY

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to bring the writ petitioners under old pension scheme, prevailed prior to implementation of Contributory pension scheme (CPS) vide G.O.No.259 Finance (Pension) department dated 06.08.2023 and transfer the pension contribution collected already from the petitioner to old pension scheme, by considering the representation made by the petitioner dated 05.12.2020 and 15.11.2024 to the respondents and pass orders.

2.Though very many grounds have been raised in this writ petition, the learned counsel for the petitioners restricts the prayer only with regard to considering their representation dated 05.12.2020 & 15.11.2024.

3.The case of the petitioners is that the petitioners are teachers and all of them were appointed on 19.11.2002 and they are eligible for old pension scheme. It is the further case of the petitioners that the



W.P.No.37192 of 2024

WEB COPY

GO.No.259 dated 06.08.2003 will not apply to the Government Servants who were appointed on or after 01.04.2003. Hence, the petitioners have given a representation to the respondents on 05.12.2020 & 15.11.2024 and the same was not considered till date, which has given rise to this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if a direction is given to the respondents to consider the representation of the petitioners.

5. The learned standing counsel appearing for the respondents would submit that they will consider the representation of the petitioners and pass orders on merits and in accordance with law.

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

7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider



W.P.No.37192 of 2024

WEB COPY

the petitioners representation dated 15.11.2024 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

29.01.2025

Index:Yes/No

Speaking order/Non-speaking order

smn



W.P.No.37192 of 2024

WEB COPY

To

1. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai – 09.

2. The Secretary, Finance
(Pension) Department,
Fort ST George, Chennai -09.

3. The Principal Accountant General
(Accounts & Entitelement),
Tamil Nadu 381, Anna Salai,
Chennai – 600 018.

4. The Commissioner of Adi Dravidar Welfare Officer,
Chepauk, Chennai – 600 005.

5. The Commissioner of Tribal Welfare Officer,
Chepauk, Chennai – 600 005.

6. The District Adi Dravidar and Tribal Welfare Officer,
Erode, Erode District.

7. The District Adi Dravidar and Tribal Welfare Officer,
Namakkal, Namakkal District.

8. The District Adi Dravidar and Tribal Welfare Officer,
Coimbatore, Coimbatore District.



WEB COPY



W.P.No.37192 of 2024

V.BHAVANI SUBBAROYAN,J.

Smn

W.P.No.37192 of 2024
and
W.M.P.No.40192 of 2024

29.01.2025