



W.P.(MD)No.4799 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.4799 of 2021

and

W.M.P.(MD).Nos.3926 & 3927 of 2021

V.Vaiyanan

... Petitioner

Vs.

1.The District Educational Office,
Office of the DEO,
Valliyur,
Tirunelveli District.

2.The Head Master,
R.C. Government Higher Secondary School,
Maruthakulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent in A.Thi.Mu.No.2649/A2/2020, dated 05.12.2020 quash the same and consequently direct the respondents to pay 60% of the petitioner's contribution as advance based on the petitioner's application dated 29.10.2020.



W.P.(MD)No.4799 of 2021

For Petitioner : Mr.A.Srinivasan
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The issue involved in this writ petition is whether an employee can seek withdrawal of his CPS contribution due to some financial necessity.

2. The respondents, under the impugned order, have rejected the request of the petitioner seeking for withdrawal of his CPS (Contributory Pension Scheme) contribution. The petitioner claims that due to financial constraints, it became necessary for the petitioner to withdraw his CPS contribution. While rejecting the petitioner's request, the respondents have contended that there is no similarity between GPF (General Provident Fund) and CPS.

3. According to the respondents, the petitioner cannot claim that since GPF contributions can be withdrawn, the same yardstick will have to be applied to the CPS as well.



W.P.(MD)No.4799 of 2021

4. The learned Special Government Pleader appearing for the respondents has placed on record an order dated 11.04.2022 passed by the learned Single Judge of this Court in W.P.(MD).No.5286 of 2019 in the case of ***Kannan Vs. The Principal Secretary, Transport Department and others.*** In the said decision as well, the very same issue was the subject matter of consideration and the learned Single Judge had dismissed the said writ petition by holding that an employee falling under the Contributory Pension Scheme, is not entitled to avail loan from the CPS amount.

5. In fact, the learned counsel appearing for the petitioner also fairly submits that the prayer sought for in this writ petition cannot be granted in view of the settled law. However, the learned counsel appearing for the petitioner seeks liberty for the petitioner to challenge CPS (Contributory Pension Scheme) in the manner known to the petitioner under law.

7. Since the petitioner cannot seek for withdrawal of the petitioner's contribution under the Contributory Pension Scheme as per the settled law, this Court is of the considered view that there is no merit in this writ petition.



W.P.(MD)No.4799 of 2021

8. Accordingly, this writ petition stands dismissed. However, if the petitioner so desires, liberty is granted to the petitioner to challenge CPS (Contributory Pension Scheme) in the manner known to the petitioner under law. No costs. Consequently, the connected miscellaneous petitions are closed.

30.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The District Educational Office,
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- 2.The Head Master,
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W.P.(MD)No.4799 of 2021

ABDUL QUDDHOSE, J.

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W.P.(MD)No.4799 of 2021

30.10.2025