



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

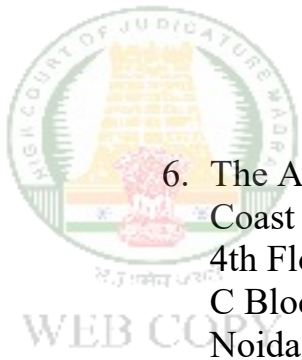
WP No. 5090 of 2026

T.Thanigaivanan

..Petitioner(s)

Vs

1. Union Of India, Rep by its Secretary
Government Of India, Ministry of Defence
Room No. 101-A, South Block
New Delhi -110 011.
2. Union Of India, Rep by its Secretary
Government Of India, Ministry Of Finance
Kartavya Bhavani-1
New Delhi 110011.
3. Union Of India, Rep by its Secretary
Government Of India,
Ministry Of Personnel, Public Grievances and
Pensions
Department Of Pension and Pensioner's Welfare
A Wing 3rd Floor, Loknayak Bhawan, Khan
Market
New Delhi 110011.
4. The Director General of Coast Guard
Coast Guard Headquarters,
National Stadium Complex,
New Delhi-110 011.
5. The Controller General of Defence Accounts
Ulan Batar Road, Palam
Delhi Cantt- 110 011.



6. The Asst. Controller Of Defence Account,
Coast Guard Pay And Account Office,
4th Floor, Coast Guard Otm Complex, 'A' Wing,
C Block, Phase 2, Industrial Area, Sector 62,
Noida – 201 309.
7. The Officer-In-Charge
Bureau Of Naviks
Near To MCEDCL Office,
Old Mumbai-Pune Highway
Bhingari, Panvel,
Navi Mumbai 410 221.
8. The Commandant,
Coast Guard Afloat Support Unit
No.11 Coast Guard District (Goa)
Coast Guard Enclave
Chicoina, Bogmalo,
Goa - 403 806.
9. The Principal Controller of Defence Accounts
(Pension),
Draupadi Ghat, Saraswathi Vihar Colony, Ashok
Nagar,
Prayagraj- 211 014.

.. Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to place the petitioner from the New Pension scheme to the old pension scheme as per the option exercised by him dated 28.04.2023 and enable the petitioner for pension, provident fund and gratuity among other services benefits.

For Petitioner(s): Mr.M.Alagu Goutham

For Respondent(s): Mr.K.Ramana Moorthy,
Senior Panel Counsel



ORDER

This Writ Petition has been filed seeking a direction to the respondents to shift the petitioner to the old pension scheme from the New Pension scheme as per the option exercised by him so as to enable him to avail pension, provident fund, gratuity and such other services benefits.

2. Mr.K.Ramana Moorthy, learned Senior Panel Counsel takes notice on behalf of the respondents.

3. Pursuant to the recruitment notification issued by the Indian Coast Guard for the posts of Yanthrik, Navik (General Duty) and Navik (Domestic Brach), the petitioner had applied for the same. The petitioner, having successfully participated in the selection process, was selected and appointed as Yantrik on 15.07.2004. It is the case of the petitioner that, as per the notification issued by the 2nd respondent dated 22.12.2003, the persons appointed on or after 01.01.2004 were denied pension under Old Pension Scheme and were brought under the New Pension Scheme. Accordingly, the petitioner was placed under National Pension System.



4. However, as per the circular dated 03.03.2003 issued by the 3rd respondent, facilitating the existing Central Government Employees who were recruited against the vacancies notified prior to 22.12.2003 to switch over from the New Pension Scheme to the Old Pension Scheme. The petitioner claiming to be falling within the specified category, had submitted an application on 28.04.2023 to the 8th respondent, seeking to switchover from New Pension scheme to the old pension scheme. In this regard, the 8th respondent had forwarded a proposal to the 7th respondent dated 14.08.2023 which forms part of Agenda points for XL Coast Guard Commander's Conference, however, no orders have been passed on the same, till date. Hence, the present Writ Petition.

5. Learned counsel appearing for the petitioner submitted that this Court may issue a direction to the 7th respondent to consider the proposal dated 14.08.2023 forwarded by the 8th respondent and pass orders on the same within the reasonable time that may be stipulated by this Court.

6. Learned Senior Panel Counsel appearing for the respondents submitted that the proposal forwarded by the 8th respondent will be considered and appropriate orders would be passed.



7. In view of the limited relief sought for in this Writ Petition, the 7th respondent is directed to consider the proposal dated 14.08.2023 forwarded by the 8th respondent and pass appropriate orders on the same in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

8. The Writ Petition stands disposed of with the aforesaid direction. There shall order as to costs.

12-02-2026

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

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To

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M.DHANDAPANI, J.

NHS

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