



WP(MD) No.3802 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Fifth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and

The Hon`ble Mr.Justice R.VIJAYAKUMAR
WP(MD) No.3802 of 2012

P.FREDERIC ENGELS

... PETITIONER

Vs

1 GOVERNMENT OF TAMIL NADU
REPRESENTED BY ITS SECRETARY,
FINANCE (PENSION DEPARTMENT),
SECRETARIAT, FORT ST. GEORGE,
CHENNAI - 600 006.

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD,
CHENNAI - 600 006.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DINDIUGL DISTRICT.

4 M.PREMEKUMAR

5 B.JULIONJEROM

6 S.PALRAJ

7 T.PONNIYAR

8 W.RUBAN PRABU

[R4 & R8 IMPEADED AS PARTY OF THE
RESPONDENTS VIDE COURT ORDER DATED
05/07/2013 IN MP(MD)1/2013]

... RESPONDENTS



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Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Declaration, to declare the proviso to Impugned Rule 2 of Tamil Nadu Pension Rules, 1978 and Sub Rule (3) of Rule 4 of Tamil Nadu General Provident Fund Rules as illegal and consequently to direct the Respondents to shift the enrollment of the petitioner (705294/PUS) in Contributory Pension scheme to that of the previous pension scheme as per the Tamil Nadu Pension Rules, 1978 on the file of the Respondent No.1, within the time stipulated by this Honourable Court.

ORDER : This Writ Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.G.KARTHICK, Advocate for M/S.T.LAJAPATHI ROY AND ASSOCIATES for the petitioner and of MR.D.SADIQRAJA, Additional Government Pleader on behalf of the Respondent Nos.1 to 3, the court made the following order:-

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the issue involved in the present Writ Petition is covered by the decision of the Division Bench of this Court in W.A(MD)No.217 of 2011 etc., batch, dated 19.06.2014 and therefore, the issue is no longer res integra and the said decision squarely applies to the facts of the present case. On the contrary, learned counsel appearing for the petitioner would submit that the said decision will not apply to the present case and the same has to be dealt with independently.

2.Though the Writ Petition is of the year 2012, the first respondent has not chosen to file counter-affidavit so far. Hence, the first respondent is directed to file a counter-affidavit within a period of two weeks, failing which, heavy costs will be

imposed

<https://www.judic.tn.gov.in/judis>



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3. For filing counter affidavit, post the matter after two weeks along with W.P
WEB COPY
(MD)No.23928 of 2018.

sd/-
05/03/2024

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/03/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS
TO

1 THE SECRETARY,
GOVERNMENT OF TAMIL NADU
FINANCE (PENSION DEPARTMENT),
SECRETARIAT, FORT ST. GEORGE,
CHENNAI - 600 006.

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD,
CHENNAI - 600 006.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
DINDIUGL DISTRICT.

COPY TO

THE SECTION OFFICER, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
WP(MD) No.3802 of 2012
Date :05/03/2024

RS/VR/SAR-(11.03.2024) 3P 5C
Madurai Bench of Madras High Court is issuing
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