



FINANCE (PGC) DEPARTMENT

G.O.No. 413, Dated 4th November, 2010

(Iyppasi-18, Thiruvalluvar Aandu 2041)

Pension – Extension of Old Pension Scheme to the Secondary Grade Teachers appointed during 1996, 1997 and 1998 in the aided schools – Implementation of the order of the Hon'ble High Court in W.P.Nos.26933 & 26934 of 2007 and other similar cases – Orders – Issued.

Read :

1. G.O.(Ms) No.559 / School Education Department, dated:11.07.1995.
2. G.O.(Ms) No.394 / School Education Department, dated:12.09.1997.
- 3 G.O. (Ms) No.155 / School Education (D2) Department, dated:03.10.2002.
4. G.O.(Ms).No.259 / Finance (Pension) Department, dated :06.08.2003.
- 5 G.O.(Ms).No.430 / Finance (Pension) Department, dated: 06.08.2004.
- 6 Government letter No.92399/Finance (Pension) Department/2005-1, dated:13.04.2006.
7. Orders of the Hon'ble High Court in W.P.Nos.26933 and 26934 of 2007, W.P(MD)Nos.10447 and 5174 of 2008, 4537of 2009, 1375 of 2010 and W.P. Nos.12280 to 12282 of 2010.

ORDER:

Government in the Government Order first read above ordered that Graduate Teachers should not be appointed as Secondary Grade Teachers in aided schools. Subsequently in the order second read above, Government approved the appointment of B.T.Assistants/ Tamil Pandits as Secondary Grade Teachers in aided schools till 10.07.95 if the appointment was as per rules in force.

2) In the Government Order third read above, Government ordered that BT Assistants/ Tamil Pandits having B.Ed qualifications who were appointed in the sanctioned regular posts of Secondary Grade Teachers in private aided schools from 11.07.95 to 19.05.1998 shall undergo one month Child Psychology Training through District Institute of Education and Training (DIET) and on the date of completion of the training, their appointments shall be approved and salary shall be paid with effect

from the date of approval of appointment in the Post of Secondary Grade Teacher duly relaxing rule 15(6) of Tamil Nadu Private Schools (Regulation) Rules, 1974.

3) A batch of Secondary Grade Teachers having B.Ed qualifications and appointed during the period from 11.07.95 to 19.05.98 were sent for Child Psychology Training in the year 2003-2004 and the period of training was completed after 01.04.2003 (i.e) after the implementation of the Contributory Pension Scheme. The appointments were subsequently regularised and salary paid with effect from the date of completion of training on approval of appointments after 01.04.2003. However the service period cannot be counted for pension as ordered in G.O.(Ms) No.155/School Education (D2) Department, dated:03.10.2002.

4) Aggrieved by this a batch of teachers filed Writ Appeal in W.A.249,282,448 to 452 of 2002 and 80 of 2004 and W.P.No.42067 and the Division Bench of the Madras High Court while dismissing the above petitions directed to count the past service rendered for pensionary purposes. This was further confirmed by the Supreme Court of India in the Civil Appeal No.5012/2006.

5) In the order fourth read above, Government implemented the New Contributory Pension Scheme for those who joined Government Service on or after 01.04.2003 and in the Government Order fifth read above among other things orders have been issued regarding the contribution to be made to Contributory Pension Scheme (CPS) by the employees who are recruited on or after 01.04.2003 and as per the clarification issued in the letter sixth read above, persons appointed prior to 01.04.2003 but regularised in the time scale of pay after 01.04.2003 will be covered under the New Contributory Pension Scheme.

6) The B.T Assistants/ Tamil Pandits appointed in the sanctioned regular posts in the private aided schools during the period from 11.07.95 to 19.05.98 filed W.P.Nos in 26933 and 26934 of 2007, W.P.(MD)Nos.10447 and 5174 of 2008, 4537of 2009, 1375 of 2010, W.P.Nos.12280 to 12282 of 2010 in the Hon'ble High Court of Madras praying for direction to count their past service prior to completion of Child Psychology Training for pensionary purpose.

7) The Hon'ble High Court in its orders in the above Writ Petitions has ordered that the petitioners are to be extended the pension scheme applicable to the Teachers appointed prior to 1.4.2003 and they are not governed under G.O.Ms.No.430/Finance (Pension) Department, dated:06.08.2004. The court also viewed that the pensionary contributions if any payable by the petitioner as per Tamil Nadu Pension Rule, 1978 if not already paid may be claimed from the petitioners.

8) Government after careful consideration, decided to implement the orders of the High Court in the W.P.Nos.26933 and 26934 of 2007, W.P(MD)Nos. 10447 and 5174 of 2008, 4537/2009, 1375/2010 and W.P.Nos.12280 to 12282 of 2010. Government accordingly direct that the B.T. Assistants/ Tamil Pandits having B.Ed. qualifications who were appointed as Secondary Grade Teachers in the sanctioned regular posts in private aided schools during the period from 11.07.95 to 19.05.98 and whose services were regularised as per G.O.(Ms) No.155/School Education (D2) Department, dated:03.10.2002 are to be extended the Old Pension Scheme

and General Provident Fund as applicable to the teachers appointed before 01.04.2003 and that they are not governed under G.O.Ms.No.430/Finance (Pension)Department, dated:06.08.2004.

9) This order shall not apply to similarly placed Teachers appointed after 19.05.1998.

(By Order of the Governor)

K. SHANMUGAM

Principal Secretary to Government

To

All Secretaries to Government

School Education Department, Secretariat, Chennai-9.

The Legislative Assembly Secretariat, Chennai -9.

The Governor's Secretariat, Raj Bhavan, Chennai-25

Director of School Education, Chennai – 6

Director of Elementary Education, Chennai – 6

Director, Teacher Education Research and Training, Chennai-6.

Director of Local Fund Audit, Chennai – 108

Chief Internal Auditor and Chief Auditor of Statutory Boards, Chennai-2.

Director of Government Data Centre, Chennai - 32

The Accountant General (A&E), Chennai -18. (By name)

The Accountant General (A&E), Chennai -18.

The Principal Accountant General (Audit-I), Chennai –18

The Principal Accountant General (Audit-II), Chennai –18

The Accountant General (CAB), Chennai -9

The Registrar, High Court, Chennai – 104

The Registrar, High Court, Madurai-23.

The Secretary, Tamil Nadu Public Service Commission, Chennai - 6.

The Director of Pension, D.M.S. Complex, Chennai -6

The Commissioner of Treasuries and Accounts, Chennai –15

The Commissioner, Corporation of Chennai/Madurai/Coimbatore/

Tiruchirappalli / Salem/Tirunelveli/ Erode/ Tirupur/ Tuticorin and Vellore.

The Pension Pay Officer, Chennai – 6.

All Treasury officers/Sub-Treasury Officers.

Copy to:

The Finance ((OP-I)/(OP-II)/(OP-II I)/(OP-Misc.)/(Pen.)/(LF)/(CA)/ PC)), Chennai - 9

The Secretary to Chief Minister, Chennai – 9

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// Forwarded by Order//

SECTION OFFICER.