

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.2939 of 2017 and

W.M.P.No.2827 of 2017

Dr.P.G.Kulandaivelu

... Petitioner

vs

- 1.The State of Tamil Nadu
Rep by its Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.
- 2.The Principal Secretary,
Finance Department,
Fort St.George, Chennai 600 009.
- 3.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.
- 4.The Dean,
Madras Medical College,
Chennai 600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to order of the 1st respondent made in Letter No.34476/A1/2016 dated 19.10.2016, to quash the same and to consequently, direct the respondents to revise and refix the pension and other pensionary benefits by effecting Time Bound Promotion in the post of Senior Civil Surgeon effective from the very next day of completion of 20 years as such as per G.O.Ms.No.301, Health and Family Welfare Department dated 06.10.2015 forthwith thereto.

For Petitioner	: Mr.L.Chandrakumar
For Respondents	: Mr.J.Pothiraj, Special Government Pleader for RR1 & 2
	: Mr.C.Munusamy, Special Government Pleader for RR3 & 4

O R D E R

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing for the first and second respondents and Mr.C.Munusamy, learned Special Government Pleader appearing for the third and fourth respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, to call for the records relating to order of the 1st respondent made in Letter No.34476/A1/2016 dated 19.10.2016, to quash the same and to consequently, direct the respondents to revise and refix the pension and other pensionary benefits by effecting Time Bound Promotion in the post of Senior Civil Surgeon effective from the very next day of completion of 20 years as such as per G.O.Ms.No.301, Health and Family Welfare Department dated 06.10.2015 forthwith thereto."

3. During the course of the arguments, on behalf of the respondents, G.O.Ms.No.236, Finance (Pay Cell) Department, dated 12.07.2018, has been produced. According to paragraph No.6 of the Government Order, the relief sought for in the writ petition has been granted, though the same was not originally made available to the claim of the petitioner. Paragraph No.6 of the Government Order is extracted below for reference:-

"6. The Government after careful consideration has decided to revise the pension/family pension of the Professors/Medical Officers retired prior to the date of issue of Government Order first read above on the basis of the orders issued in the Government Orders third and seventh read above with prospective effect considering the financial commitment due to issue of this general orders. Accordingly, Government direct that the pension/family pension of the Professors/Medical Officers (Rs.12000-16500) retired prior to 23.10.2009 shall be revised with reference to the higher pay scales granted to the Professors who were elevated to Chief Civil Surgeons due to time bound upgradation in the Government Order first read above under clause (2) of para-5 of Government Order sixth read above with reference to the revised Level 28 of pay matrix of Rs.123100-215900 as against the upgraded pre-revised pay scale of Rs.37400-67000 + Grade Pay Rs.8700 at Rs.61,550/- and Rs.36,930/- respectively with prospective monetary effect from 1st July 2018 subject to fulfilling the condition of net qualifying service stipulated for full pension and

issue orders accordingly."

4. In view of the categorical position adopted by the Government as conveyed through the aforesaid Government Order, the writ petition is disposed of by directing the respondents to confer the benefits to the petitioner as contemplated in paragraph No.6 of the Government Order. The respondents are directed to pass appropriate orders on the above terms, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above terms, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
The State of Tamil Nadu
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

2.The Principal Secretary,
Finance Department,
Fort St.George, Chennai 600 009.

3.The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai 600 010.

4.The Dean,
Madras Medical College,
Chennai 600 003.

+1cc to Mr.L.CHANDRAKUMAR, Advocate, S.R.No.49721
+1cc to the Government Pleader, S.R.No. 49943

W.P.No.2939 of 2017

SKV(CO)
TR(13/08/2018)