

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Ms.JUSTICE P.T.ASHA
W.A.No.2326 OF 2019

R.GOVINDARAJ

... appellant

Vs

- 1 SECRETARY TO THE DEPARTMENT
OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF TAMIL NADU
FORT ST.GEORGE CHENNAI -600009
- 2 THE DEAN
M.M.C., CHENNAI - 600001
- 3 THE DIRECTOR OF MEDICAL EDUCATION
KILPAUK CHENNAI - 600010
- 4 THE ACCOUNTANT GENERAL
ANNA SALAI CHENNAI - 600018 ... respondents

Writ Appeal filed to set aside the order passed in
WP.No.2465/2009 dated 28/02/2019.

WP.No.2465/2009:Writ Petition filed under Article 226 of the
Constitution of India seeking a Writ of Certiorarified Mandamus
to call for the records calling for the records relating to the
proceedings in D.No. AG (A&E)/Legal Cell WP 13526/2008/929
dated 30.09.2008 on the file of the fourth respondent herein and
to quash the same and direct the respondents to pay the
petitioner the pension and all the other statutory benefits
payable to him with effect from 1.8.1997 by passing appropriate
orders for such payment together with such rate of interest.

For appellant : Mr.A.S.Balaji

For Respondents : Mrs.A.Sreejeyanthi, Spl.G.P.

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The appellant who was employed as Assistant Professor of Medicine, Madras Medical College, was selected for appointment in the Ministry of Health, Government of Saudi Arabia, for a period of two years. He was relieved on 3 July 1986, subject to the condition that he should return after a period of two years. The appellant abandoned the service in the Madras Medical College. The claim made by the appellant long thereafter for pension was rejected by the Government. The said order was unsuccessfully challenged before the writ court. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. We have heard the learned counsel for the appellant.

3. The documents available on record and the pleadings indicate that the appellant made an application for appointment in the Medical Service, Government of Saudi Arabia. He was permitted to join, pursuant to the proceedings dated 3 July 1986. There was a condition that the appellant, after serving in Saudi Arabia, should rejoin after a period of two years. However, the fact remains that the appellant never joined duty thereafter. The appellant in his communication dated 23 March 2006, informed the Government that he returned to India on 10 January 2002 at the age of 62 years. The claim made by the appellant for pension was rejected on the ground that he was not qualified for pension under the Tamil Nadu Pension Rules.

4. The appellant left the medical service on 3 July 1986. He was expected to join on 2 July 1988. However, the fact remains that only on 10 January 2002, the appellant arrived from Saudi Arabia. The appellant would not be eligible for pension under the Tamil Nadu Pension Rules, unless relaxation is given by the Government. The appellant is not eligible for such relaxation as he abandoned the very service. We are therefore of the view that the request for pension was rightly rejected by the Government.

5. The intra court appeal is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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+1 cc to Mr.A.Ramesh Kumar Advocate sr63156

+1 cc to Government Pleader sr63356

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vsnII(co)
aa18/09/2019

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