

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 27-01-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1698 OF 2020

Dr.M.Pushpam

... Petitioner

-vs-

1.The Principal Accountant General (A&E),
Anna Salai, Teynampet,
Chennai.

2.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai.

3.The Director of Medical Education,
Kilpauk,
Chennai.

4.The Dean,
Madras Medical College,
Chennai.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to sanction and grant pension, commutation, gratuity, EL encashment, provident fund and other admissible benefits to the petitioner from 01.07.2011 along with appropriate interest in the light of Rule 12 (5) (b) of the Tamil Nadu Pension Rules and the first respondent order of sanction issued in the case of similarly placed employee Dr.Arunmozhi, dated 08.11.2019.

For Petitioner : Mr.J.Saravanel

For Respondent 1 : Mr.Vijayashankar

For Respondents 2 to 4 : Mr.Karthikei Balan,
Govt.Advocate.

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus, directing the respondents to sanction and grant Pension, Commutation, Gratuity, EL Encashment, Provident Fund and other admissible benefits to the petitioner from 01.07.2011 along with appropriate interest.

2. The case of the petitioner is that she joined the service of Corporation of Madurai as a Medical Officer in the year 1988. She was later transferred to Chennai Corporation in December, 1990, and she continued to serve there till 30.06.2005. The petitioner was also sent on deputation to the Directorate of Medical Education, Government of Tamil Nadu; she continued to work in Madras Medical College and was also redesignated as Assistant Professor.

3. The petitioner, along with one Dr. Arunmozhi, was permanently absorbed in the Government service by virtue of G.O.Ms.No.162, dated 29.06.2011. The petitioner attained superannuation on 30.06.2011 and was relieved from service in her post as Assistant Professor.

4. The grievance of the petitioner is that she has not been granted Pension and other terminal benefits till-date. The reason for such delay was that, initially, the petitioner was working in Madurai Corporation and was, thereafter, absorbed by the State Government.

5. Therefore, the issue at hand was, who will pay Pension to the petitioner? On this aspect, it has to be stated, that the pension papers of the petitioner was doing its rounds and, ultimately, the petitioner has not been paid any amount till today, though she made representations to the respondents.

6. It is seen from the records that the Principal Secretary to Government, Health and Family Welfare Department, Chennai, by his letter, dated 17.09.2018, has already written to the first respondent that the petitioner satisfies the requirements of Rule 12 (5) (a) of the Tamil Nadu Pension Rules, 1978, in short, 'the Rules', and her past services rendered in the Municipal Corporation for the period from 15.11.1988 to 30.06.2005, can be counted for pensionary benefits.

7. It is also seen from the records that Dr. Arunmozhi, who was also similarly placed and actually absorbed along with the petitioner in the State Government service, has been extended the pension and service benefits by the proceedings of the first respondent, dated 08.11.2019. The proposal of the

petitioner has already been forwarded to the first respondent and it is being kept pending. The petitioner only wants her case also to be treated on par with that of Dr.Arunmozhi. Since there was no response forthcoming from the first respondent, the petitioner has approached this Court, seeking for appropriate relief.

8. Heard Mr.J.Saravanel, learned counsel for the petitioner; Mr.Vijayashankar, for first respondent; and Mr.Karthikei Balan, for respondents 2 to 4.

9. There is absolutely no dispute with regard to the facts of the present case. The petitioner wants her to be treated on par with Dr.Arunmozhi, who was also permanently absorbed along with her into Government service, by virtue of G.O.Ms.No.367, dated 24.11.2014. The said Dr.Arunmozhi has now been sanctioned with Pension and all other service benefits in the light of Rule 12 (5) (b) of the Rules, which is clear from the proceedings of the first respondent, dated 08.11.2019. The petitioner, who has attained superannuation on 30.06.2011, has been running from pillar to post to get her pension sanctioned and for all other retirement benefits.

10. In view of the above discussion, this Court finds that the petitioner is entitled to be treated on par with Dr.Arunmozhi, who has already been sanctioned the Pension and other terminal benefits. As already stated supra, the proposal of the petitioner has also been forwarded to the first respondent and what is required is, the formal order, to be passed by the first respondent on the pending proposal.

11. In the result, this Writ Petition is allowed and the first respondent is directed to pass appropriate orders, sanctioning Pension and other terminal benefits to the petitioner from 01.07.2011 onwards, in the light of Rule 12 (5) (b) of the Rules and in line with the sanction issued in the case of Dr.Arunmozhi. This process shall be completed by the first respondent within a period of four weeks from the date of receipt of a copy of this order.

12. The petitioner has also claimed interest for the delayed payment of Pension and retiral benefits. Therefore, the first respondent is also directed to take into consideration the said claim made by the petitioner in the light of the settled position of law and pass appropriate orders with regard to sanction of interest for the delayed payment of retiral benefits to the petitioner.

13. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Accountant General (A&E),
Anna Salai, Teynampet,
Chennai.
- 2.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai.
- 3.The Director of Medical Education,
Kilpauk,
Chennai.
- 4.The Dean,
Madras Medical College,
Chennai.

+1cc to Mr.J.Saravanavel, Advocate sr.5768
+1cc to Mr.V.Vijay Shankar, Advocate Sr.6337
+1cc to the Government Pleader Sr.6190

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