



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18112 of 2021

(Through Video Conferencing)

Dr.M.Rajendran,
Dean (Retired),
Government Medical College and Hospital,
Perundurai,
No.268/4, Erode Road,
Ram Nagar, Perundurai,
Erode District.

... Petitioner

Vs

1. Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. Government of Tamil Nadu,
Represented by The Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
3. The Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
4. The Director of Medical Education,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to pass orders on the representation made by the petitioner on 10.02.2021 and the enquiry conducted by him on 22.06.2021 by holding that the petitioner is entitled for



pension and general provident fund as he has retired from Government Service on attaining age of superannuation on the afternoon of 31.12.2009 as approved by the first respondent in G.O(Rt).No.1405 Health and Family Welfare (A1) Department dated 31.12.2019.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner was working as a Dean in Perundurai Medical College and Hospital, Erode which was run earlier by the Institution of Road Transport, Chennai. In the year 2018, the aforesaid hospital was taken over by the Government of Tamil Nadu, as a result of which, the petitioner was absorbed by the first respondent Department.

2. After the aforesaid college was taken over by the Government of Tamil Nadu, the petitioner has also retired from service on attaining the age of superannuation on 31.12.2019. However, the terminal and the pensionary benefits were not given to the petitioner. Under these circumstances, the petitioner sent representation dated 10.02.2021 pursuant to which the fourth respondent has settled the retirement benefits.

3. It is the case of the petitioner that since the petitioner has retired as a Government servant, the petitioner is also eligible for gratuity. Apart from gratuity, it is submitted that the petitioner is also eligible for one of the pension that is pension under the Tamil Nadu Pension Rules, 1978 or under the contributory pension rules and the General Provident Fund.

4. It is further case of the petitioner that the petitioner had earlier filed W.P.No.7862 of 2021 which came to be disposed by an order dated 26.03.2021 pursuant to which, some of the benefits were granted to the petitioner. However, the pension and the gratuity has not been settled.

5. It is further case of the petitioner that the petitioner



was also heard by the first respondent on 22.06.2021. However, till date no orders have been passed.

6. Appearing on behalf of the respondents, the learned Government Advocate submits that appropriate orders will be passed within a period of eight weeks from the date of receipt of a copy of this order.

7. Recording the same, this Writ Petition is disposed by directing the first respondent to pass appropriate orders after considering the representations dated 10.02.2021 and 30.05.2021 of the petitioner and the relevant Government Orders as per the schemes applicable to the petitioner and in terms of enquiry held on 22.06.2021.

8. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai - 600 009.
3. The Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.



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

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+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.44372

+1cc to the Government Pleader, S.R.No.44572

W.P.No.18112 of 2021

PA (CO)
SU (23/09/2021)