



WEB COPY



W.P.No.12688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12688 of 2022

Dr.V..Illamani

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary
Finance (Pay Cell) Department
Fort St.George, Chennai – 600 009
2. The Director of Medical Education
No.162, EVR Periyar Salai
Kilpauk, Chennai – 10
3. The Dean
Government Kilpauk Medical College
Chennai – 10
4. The Pension Pay Officer
Pension Accounting Office
South Saidapet, Chennai - 35

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to pass orders on the representation dated 01.04.2022 seeking grant of



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revised pension and pensionary benefits as per G.O.Ms.No.236. Finance (Pay Cell) Department dated 12.07.2018 for the Professors of the Non-Clinical category on merits and as per law, within a time to be stipulated by this Court.

For Petitioner : Ms.S.Arivazhagan

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1

Mr.M.Bindran
Addl. Govt. Pleader for R2 and R3

ORDER

Heard the learned counsel for the petitioner, learned Special Government Pleader for first respondent and learned Additional Government Pleader for Respondents 2 and 3.

2. On the strength of G.O.Ms.No.236, Finance (Pay Cell) Department dated 12.07.2018, the petitioner seeks for revision of the pensionary benefits. Her representation in this regard was not considered by the first respondent which prompted her to file the present writ petition.



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3. As per G.O.Ms.No.236. Finance (Pay Cell) Department dated 12.07.2018, the request for revision of pension / family pension requires to be made by the retired professors/ medical officers to the Authority in the Department in which the Government employee last served. Since the petitioner had last served with the third respondent which is under the directorate of medical education/second respondent, the proper procedure would be to make an application to the second respondent seeking pensionary benefits.

4. Accordingly, the petitioner is granted liberty to make a fresh representation to the second respondent seeking for revision of her pension and on receipt of the same, the second respondent herein shall forthwith forward the same to the first respondent together with their remarks within two weeks from the date of receipt of such an application. Thereafter, the first respondent shall consider the petitioner's application received from the second respondent on its own merits and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of the application.



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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

gpa



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To

1. The Secretary
Government of Tamil Nadu
Finance (Pay Cell) Department
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M.S.RAMESH,J.

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