



W.P.(MD)No.14987 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.14987 of 2016

and

W.M.P(MD)No.11050 of 2016

Tamilnadu Government Retired Medical
Officers Association, Madurai District,
Represented by its President
Dr.T.Rajagopal,
Madurai City Hospital,
No.34, Sivagangai Rd., Madurai 20.

... Petitioner

- Vs. -

1. The State of Tamil Nadu,
Rep. by the Chief Secretary to the Government,
Fort Saint George,
Chennai 600 009.
2. The State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
Finance (PC) Department,
Secretariat, Chennai - 600 009.
3. The Secretary to Government,
Represented by the Commissioner and Secretary to the Government,
Department of Health and Family Welfare,
Fort Saint George,
Chennai 600 009.



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4. The Accountant General,
Office of the Accountant General,
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai, Chennai – 600 018
5. The Director of Medical and
Rural Health Service,
Kilpauk, Chennai.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the Respondents resulting in the 3rd Respondents Impugned Order in Letter No.13727/A1/2016-1, dated 17.5.2016 and proceedings of the 5th Respondent issued in Ref.No.82714/E6/1/2016, dated 14.03.2016 and quash the same and direction directing the Respondents to revise the pension to the Members of the petitioners Association on the strength of G.O.Ms.No.301, dated 06.10.2015 which is clarificatory G.O.to G.O.Ms.No.354, Health and Family Welfare (B2) Department, dated 23.10.2009 by extending the method adopted in the Government order issued in G.O.Ms.No.106, Higher Education (H1) Department, dated 14.05.2015 and other G.O.Ms.No.350, Higher Education (H1) Department, dated 09.09.2009, G.O.Ms.No.95, Higher Education (C2) Department, dated 05.05.2010 and G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010 and consequently pay the revised pension based on the revised scale of pay as introduced in G.O.Ms.No.354, dated 23.10.2009 to the petitioner and the members of the Petitioner's Association from the eligible date with arrears of pension.



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For Petitioner : Mr.V.R.Venkatesan

For R-1 to R-3 & 5 : Mr.P.Thambidurai
Government Advocate

For R-4 : Mr.P.Gunasekaran,
Standing Counsel

ORDER

This writ petition is filed to revise the scale of pay as per G.O.Ms.No.106, Higher Education (H1) Department, dated 14.05.2015 and other G.O.Ms.No.350, Higher Education (H1) Department, dated 09.09.2009, G.O.Ms.No.95, Higher Education (C2) Department, dated 05.05.2010 and G.O.Ms.No.111, Higher Education (C2) Department, dated 25.05.2010.

2. Heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate, appearing for the respondents 1 to 3 & 5 and Mr.P.Gunasekaran, learned Standing Counsel appearing for the 4th respondent. Perused the material documents available on record.



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3. The claim of the petitioner is to grant revised scale of pay, as per G.O.Ms.Nos.106, 350, 95 & 111.

4. Since the members of the petitioner's Association were retired from service prior to 01.04.2006, they will be eligible only as per G.O.Ms.No. 354, Health and Family Welfare (B2) Department, dated 23.10.2009. They cannot seek to extend benefits that were granted in the aforesaid four Government orders. Accordingly, this Court is not inclined to grant any relief as sought for in the prayer.

5. The learned counsel appearing for the petitioner submitted that subsequently, the Government has granted benefits prospectively.

6. Recording the submission, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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20.02.2023



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3. The Secretary to Government,
Represented by the Commissioner and Secretary to the Government,
Department of Health and Family Welfare,
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4. The Director of Medical and
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S.SRIMATHY, J

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**Order made in
W.P.(MD)No.14987 of 2016**

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