



W.P.No.14863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14863 of 2024

K.Mahalakshmi

..

Petitioner

Vs.

1. The Principal Secretary to Government
Health and Family Welfare (A1 Department)
Secretariat, Fort St. George
Chennai – 600 009.
 2. The Director of Medical Education
Kilpauk, Chennai.
 3. The Director of Medical Rural Health Services
No.349, Anna Salai, Chennai – 600 018.
 4. The Principal Accountant General A&E Tamil Nadu
No.361, Anna Salai, Chennai – 600 018.
 5. The Joint Director of Health Services
Cuddalore District – 607 001.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the second respondent to forward the family pension proposal submitted by the petitioner on 26.12.2023 without any further delay and in case it is being received by the first respondent on receipt of this to grant the Family Pension to the petitioner.



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For the Petitioner : Mr.V.Manisekaran

For the Respondents : Mr.M.Bindran
Additional Government Pleader
for R1 to R3 and R5

Mr.R.Manorajan
for R4

ORDER

The petitioner is the wife of the deceased Government employee, receiving family pension.

2.1. The case of the petitioner is that her husband late Mr.K.Kanan joined the Tamil Nadu Medical Services as an Assistant Surgeon on 20.03.1961 and was regularized in the post of Selection Grade Assistant Surgeon on completion of twenty years of service. He was thereafter promoted as Deputy Director of Health Service in the Cadre of Senior Civil Surgeon. Accordingly, his last drawn pay is calculated in the cadre of Senior Civil Surgeon and after his death, the petitioner is receiving family pension only at the said rate.



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2.2. Subsequently, the Government had issued G.O.Ms.No.245 dated 30.10.2013, whereby, the benefit of promotion to the post of Chief Civil Surgeon level is conferred on all the Senior Civil Surgeons. Therefore, it is the case of the petitioner that such an exercise should be carried out in respect of the deceased petitioner's husband also and accordingly, the petitioner's family pension has to be revised.

3. On perusal of the Government Order in G.O.Ms.No.245 dated 30.10.2013 and even as per the general principles of service law, when the petitioner's husband died in the year 1993, a new service benefit, which is conferred in the year 2013, cannot be posthumously and retrospectively conferred on the petitioner's husband.



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4. In that view of the matter, I am unable to accept the contention of learned counsel appearing on behalf of the petitioner and therefore, failing merits, the writ petition stands dismissed. There shall be no order as to costs.

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Index : Yes/No

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D.BHARATHA CHAKRAVARTHY,J.

(drm)

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