



W.P.No.21427 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

W.P.No.21427 of 2014

&

M.P.No.1 of 2014

Thirumathi S.Lakshmi
W/o.Selvaraj

...Petitioner

Vs

1. The Secretary to the Government
Health and Family Welfare IM2(2) Department
St.George Fort, Chennai - 600 009
2. The Principal Secretary and Director of
Indian Medicine and Homeopathy
O/o. The Principal Secretary and Director of Indian
Medicine and Homeopathy
Arumpakkam, Chennai - 600 106
3. The District Siddha Medical Officer
Salem District
4. The Medical Officer
Government Primary Health Centre, Vadukapatti ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Declaration to declare the petitioner's retirement age as 60



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years for hospital worker's post.

For Petitioner : Mr.P.Saravanan
For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

This writ petition is filed for a declaration to declare the petitioner's retirement age as 60 years for the post of Hospital Worker.

2. When the writ petition was taken up for hearing, learned Government Advocate by relying on the averments in the counter affidavit submitted that the petitioner, who was initially appointed as Dispensary Servant at Government Rural Siddha Dispensary, Siruvachur, Salem District on consolidated pay was later brought under the regular scale of pay and posted as Pharmacy Attendant. Thereafter, only upon considering the request of the petitioner for posting in the native district on the ground that she is unable to work in Chennai and maintain her family, on humanitarian grounds, the Director of Indian Medicine and Homoeopathy vide proceedings dated 29.06.2009 bearing reference Proc.No.18149/E2/1/06 ordered that 13 persons including the petitioner



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was posted as Hospital Worker at Government Primary Health Centre, Vadugapatti, Salem District. Further this arrangement was made only subject to the permission to be granted by the Government, but Government had by proceedings dated 20.05.2014 declined the request on the ground that no prior permission of the Government had been obtained for bringing the employees in the post of Pharmacy Attendant in Group-C services which comes under the Tamil Nadu Subordinate Services to the post of Hospital Workers in Group-D which comes under Tamil Nadu Basic services.

3. The learned Government Advocate further submitted that the other persons, who had been allowed to work as Hospital Workers were all re-appointed as Pharmacy Assistants and they had retired at the age of 58 years and the petitioner also was re-appointed as Pharmacy Attendants by proceedings dated 23.02.2015. Relevant averments made in paragraphs 7 and 8 of the counter affidavit are extracted hereunder:

"7. Regarding the averments made by the petitioner in para 6, 7, 8 and 9 of the affidavit, it is submitted that the petitioner was holding the post of pharmacy attendant, a Group-C post for which the retirement age is 58 years. The petitioner has been posted as Hospital Worker under Tamil Nadu Basic Service for which the



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retirement age is 60 years on humanitarian grounds and subject to conditions, pending receipt of Government orders. It is submitted that out of the 13 persons so appointed, Tmt.N.Vasantha, Tmt.E.Visalakshi, Tmt. P.Maniammai and Thiru.Kaliamoorthy have retired on attaining the age of superannuation of 58 years. The Government in letter No.15559/IM2-1/2014-1 dated 20.05.2014 have stated that persons in Group-C post cannot be posted in posts under Group-D. In pursuance of Government orders, proceedings reappointing them as Pharmacy Attendants at Government Siddha Medical College, Palayamkottai, in the existing vacancies, has been issued in Ref.No.18149/E2/1/06 dated 23.02.2015. The following persons including the petitioner, have joined as Pharmacy Attendants at Government Siddha Medical College, Palayamkottai, in pursuance of the orders:-

SI.No.	Name	Date of Joining as Pharmacy Attendant
1	Tmt.S.Lakshmi	09.03.2015 F.N
2	Tmt.N.Murugeswari	10.03.2015 F.N
3	Thiru.A.Abdul Jameel	23.03.2015 F.N

8. It is further submitted that since there is no provision in the existing rules to change their retirement age and pay scale, from Group-C services to Group - D services, the plea of the petitioner could not be accepted as the retirement age of the petitioner is 58 years only as she has been appointed as Pharmacy



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Attendant under Tamil Nadu Medical Subordinate Service.'

4. In view of the above submission and also taking note of the fact that the writ petition has been filed to permit the petitioner to continue in service till the age of 60 years and the petitioner had already attained superannuation and retired at the age of 58 years in the year 2015 itself and also the fact that even though the petitioner was temporarily accommodated as Hospital Worker in the Group D post, in pursuance of Government Orders, reappointed as Pharmacy Attendant in Group C post in the year 2015 itself prior to her retirement, the relief sought for in the writ petition has become infructuous and no further orders are required in the writ petition.

Accordingly, this writ petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes
Non-speaking order
Neutral Citation : No

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