



W.P.(MD)Nos.10319, 10320, 10322 to 10326 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.10319 , 10320, 10322 to 10326 of 2024

W.P.(MD)No.10319 of 2024

M.Muthuramalingam

... Petitioner

VS.

1.The State of Tami Nadu

represented by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai 600 009.

2.The Director of Public Health and Preventive Medicine,
DMS Compound,
Chennai -6.

3.The Accountant General,
(Accounts and Entitlement),
No.361, Anna Salai,
Teynampet,
Chennai 18.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to



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pay the revised arrears of pension, as per the G.O.(Ms).No.278, dated 13.06.2019, Health and Family Welfare (L1) Department passed by the first respondent as well as the proceeding of the second respondent vide R.No.62025/MP1/S3/2015, dated 14.02.2020 as early as possible as stipulated by this Court.

For Petitioner : Mr.K.C.Ramalingam
For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Mr.P.Gunasekaran

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. These writ petitions have been filed for issuance of a Writ of Mandamus, directing the respondents to pay the revised arrears of pension, as per G.O.(Ms).No.278, Health and Family Welfare (L1) Department, dated 13.06.2019, as well as the proceedings of the second respondent.



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3. Heard Mr.K.C.Ramalingam, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugmam, learned Government Advocate appearing for the respondents 1 and 2 and Mr.P.Gunasekaran, learned counsel appearing for the third respondent.

4. By consent of both the parties, these writ petitions are taken up for final disposal at the admission stage itself.

5. The petitioners claim that they have already been given with promotion on par with their juniors, in pursuant to the order issued in their favour vide G.O.(Ms).No.278, Health and Family Welfare (L1) Department, dated 13.06.2019. Despite the petitioners were given with the benefit of pay revision, their pension was not revised according to the revised pay granted to them.

6. It is seen from the records that the pension proposal of the petitioners in W.P.(MD).Nos.10319 and 10320 of 2024 were returned due



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to the following reasons:

“With reference to your letter cited, I am to return the same with the following remarks.

It is seen that Sri.M.Muthuramalingam, Health Inspector Grade I has been promoted as Multipurpose Health Supervisor retrospectively on par with his junior Sri.P.Balakrishnan with effect from 22.03.1989 as per G.O. 278, dated 13.06.2019.

The Government in para 15(1) of the above Government Order permitted the DPH & PM to give retrospective promotion in the post of MPHS on par with the junior Sri.A.Lakshmanan (Seniority No.2867) as per reference No.115738/MPH/82/95, dated 30.05.96. Hence the Department has addressed in this regard in this office Letter No.AG(A&E)/Pen08/20-21/16142 dated 04.09.2020 and on receipt of clarification, further action will be taken.”

7. The above said petitioners did not challenge the said proceedings. However, it is for the second respondent to clarify the remarks raised by the third respondent stating that the petitioners ought to have been treated on par with his junior P.Balakrishnan, on which basis pay has already been fixed. But, in the communication of the third



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respondent dated Nil/9/2020, a reference has been made about one A.Lakshmanan. Unless the second respondent clarifies the factual position, the petitioners cannot get their pensionary benefits. Hence, the second respondent is directed to clarify the written endorsements received from the third respondent office and re-submit the proposal with due clarification within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to pass appropriate orders, considering the pay revision already granted to the petitioners, within a period of four weeks thereafter.

8. With the above directions, these Writ Petitions are disposed of.

No costs.

26.04.2024

NCC: Yes/No
Index : Yes/No
Internet: Yes/No

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R.N.MANJULA, J.



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