



W.P.(MD)Nos.15922 to 15925 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.15922 to 15925 of 2024

and

W.M.P(MD)Nos.13840, 13841, 13847 & 13848 of 2024

A.Chan Batcha	... Petitioner in W.P.(MD)No.15922 of 2024
A.Gopal	... Petitioner in W.P.(MD)No.15923 of 2024
S.M.Subramanian	... Petitioner in W.P.(MD)No.15924 of 2024
Ar.Mayil	... Petitioner in W.P.(MD)No.15925 of 2024

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Chennai - 9.

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



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3.The Principal and Accountant General,
Accounts and Entitlements,
361, Anna Salai,
Teynampet, Chennai - 18.

... Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to re-fix the pension of the petitioners on the basis of retrospective promotion of their services in the post of Health Inspector w.e.f., 22.03.1989 with all attaining monetary benefits.

In all Writ Petitions

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.N.Ramesh Arumugam- for R1 & R2

Government Advocate

Mr.G.Karthik – for R3

COMMON ORDER

By consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.



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2. Heard Mr.C.Jeganathan, learned counsel appearing for the petitioners, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 and 2 and Mr.G.Karthik, learned counsel appearing for the third respondent.

3. The petitioners have been given with notional promotion on 11.09.1995 on par with their Junior P.Balakrishnan to the post of Multipurpose Health Supervisor (subsequently changed as Health Inspector Grade I) retrospectively w.e.f., 22.03.1989 have got their pay scale revised in accordance with the promotion order . But the grievance of the petitioners is that their pay has not been fixed and the pensionary benefits consequent to revised pay has also not been paid.

4. The grievance of the petitioners is that the impact of the promotion and the revised scale of pay have not been implemented in their pensionary benefits. The representations given by the petitioners in this regard are also pending for action.



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5. In fact, the petitioners have got their pay re-fixed consequent to the directions issued by this Court made in W.P(MD)Nos. 18715 to 18728 of 2015, dated 26.08.2019, respectively. Admittedly, the petitioners were given with notional promotion and their scale of pay was revised. In such circumstances, I feel that the petitioners' pension is liable to be re-fixed in accordance with their revised scale of pay.

6. Since the petitioners' pay got refixed that would have an impact upon their terminal benefits as well. In fact, the petitioners pension ought to have been fixed on the pay which they would receive during the time of their retirement, consequent to their re-fixation. So, the petitioners have made a rightful claim and the same has been considered by the respondents, positively.

7. In view of the above stated reasons, these writ petitions are **allowed** and the respondents are directed to re-fix the pension of the petitioners based on the notional promotion granted to them retrospectively with effect from 22.03.1989 within a period of eight weeks from the date of receipt of a copy of this order. No costs.



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Consequently, connected miscellaneous petitions are closed.

16.07.2024

NCC :yes/no

Index :yes/no

Internet:yes/no

RM

To

- 1.The Secretary to Government,
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R.N.MANJULA, J.

RM

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