



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4595 of 2025

Dr.Swarnam

.. Petitioner

Vs.

1.The Principal Secretary,
Government of Tamilnadu,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Deputy Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

3.The Director of Medical Services (ESI)
Teynampet,
Chennai – 600 006.

4.The District Treasury Officer,
Namakkal District,
Namakkal – 637 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefit of G.O.Ms.No.236, Finance (Pay Cell) Department dated



12.07.2018 to the petitioner by considering the representation dated 27.05.2024 within a stipulated period.

For Petitioner .. Mr.C.Kasirajan
For Respondents .. Mr.M.Bindran,
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to extend the benefit of G.O.Ms.No.236, Finance (Pay Cell) Department dated 12.07.2018 to the petitioner. In this connection the petitioner had given a representation on 27.05.2024.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner was initially appointed as Assistant Civil Surgeon by the Director of Medical and Rural Health Services, Chennai on 08.07.1968. The petitioner had finally retired as Director of Medical Services (ESI) on 31.05.2002 on attaining the age of superannuation. The retirement benefits and other terminal benefits had been released and disbursed to the petitioner herein. But thereafter, the petitioner found that the Government had passed G.O.Ms.No.236, Finance (Pay Cell)



Department dated 12.07.2018 revising the pension for all others who had retired from service prior to 23.10.2009. The petitioner sought the benefit which accrued owing to the issuance of said Government order to him petitioner also. That particular Government order was subsequently withdrawn by the Government. But such withdrawal was questioned in a batch of writ petition by an order dated **12.12.2023 in W.P.No.7905 of 2020 and batch, Dr.M.S.Balasubramaniam Vs. The Additional Chief Secretary to Government, Health & Family Welfare (A1) Department, Chennai**, wherein that withdrawal had been quashed by a learned Single Judge of this Court. While passing such orders, the learned Single Judge had extended the benefit stating that benefit of the order would accrue not only to the writ petitioners therein, but also to the similarly placed person.

3.The learned counsel for the petitioner had taken advantage of that particular observation of the learned Single Judge and claimed that the petitioner should also be categorized as similarly placed person and therefore, the pension should be revised since the petitioner had retired on 31.05.2002 and G.O.Ms.No.236, Finance (Pay Cell) Department dated 12.07.2018 had revised the pension for others who had retired from service



prior to 23.10.2009. In this connection, the petitioner had given a representation on 27.05.2024. Since no action had been taken by the respondents, the present Writ Petition.

4. Taking all the factors into consideration, a direction is given to the respondents to examine the representation of the petitioner by further scrutinizing the service records of the petitioner, particularly the date of initial appointment and the date of retirement on attaining the age of superannuation and also examine whether G.O.Ms.No.236, Finance (Pay Cell) Department dated 12.07.2018 would apply to the petitioner herein and then pass necessary orders on the representation. The respondents may also consider the order of the learned Single Judge of this Court touching on the said issue. The respondents to pass necessary orders within a period of three months from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition stands disposed of.

No costs.

12.02.2025

Index: Yes/No

Internet: Yes/No



To

1. The Principal Secretary,
Government of Tamilnadu,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
2. The Deputy Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.
3. The Director of Medical Services (ESI)
Teynampet,
Chennai – 600 006.
4. The District Treasury Officer,
Namakkal District,
Namakkal – 637 001.



WEB COPY



6

C.V.KARTHIKEYAN,J.

smv

W.P.No.4595 of 2025

12.02.2025