



WEB COPY



W.P.No.17202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14/3/2025

C O R A M

The Hon'ble **Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition No.17202 of 2023

T.N.Dhanalakshmi

...

Petitioner

Vs

1. State of Tamil Nadu
rep. By its Secretary to Government
Health and Family Welfare Department
(L 2 Section)
Fort St. George
Chennai 600 009.

2. The Directorate of Public Health and
Preventive Medicine
Chennai 600 006.

3. The Deputy Director of Health
and Preventive Service
Tiruvallur.

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the respondents to
calculate the terminal benefits based on the emoluments of the petitioner on



W.P.No.17202 of 2023

the retirement dated 13/4/2001 according to law within a day fixed by this Court and to pay interest @ 12%.

WEB COPY

For petitioner	...	Mr.A.R.Nixon
For respondents	...	Mr.K.Tippusultan Government Advocate

ORDER

This writ petition has been filed to direct the respondents to calculate the terminal benefits based on the emoluments of the petitioner on the retirement dated 13/4/2001.

2. Brief facts which led to the filing of this writ petition are as follows:-

The petitioner has rendered total service of 29 years in Department of Public Health and Preventive Medicine. Even though the petitioner was retired on 13/4/2001, till today, the respondents have failed to sanction regular pension. The petitioner had approached the Pension Lok Adalat in L.A.C.No.15222/B/2006 and vide, order dated 6/11/2008, Adalat passed an

2/10



WEB COPY

order stating that the conflict is between the Director and Deputy Director, the matter is unnecessarily delayed by the Department and hence, this Forum cannot settle the same. Thereafter, the petitioner made representations dated 13/2/2003, 15/4/2009 upto 2022 to the first respondent to settle her pensionary benefits. As there was no response, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. The Deputy Director, Health Services, Tiruvallur, has filed a counter affidavit, wherein it is stated that initially, the petitioner was appointed as Staff Nurse on the forenoon of 7/11/1973 in Tamil Nadu Medical Subordinate Service and her probation was declared on 27/4/1976. Subsequently, the petitioner was appointed as Public Health Nurse in Tamil Nadu Public Health Service on the afternoon of 24/12/1981, vide, order dated 8/10/1990.

4. The petitioner's pay has been fixed in the post of Public Health Nurse with effect from 25/12/1981 and first increment in the post of Public Health Nurse has been sanctioned with effect from 1/10/1982. As per the



W.P.No.17202 of 2023

WEB COPY

ad hoc Rules for the post of Public Health Nurse issued in G.O.Ms.No.861, Health and Family Welfare Department dated 24/11/1994, the petitioner should have passed the Account test for Executive Officers within a period of two years from the date of regular appointment, failing which the second and subsequent increments will be stopped until the petitioner passes the said test. The petitioner has not passed the Accounts test for Executive Officers, as per ad hoc rules.

5. It is further stated in the counter affidavit that the petitioner was unauthorisedly absent from duty from 1/2/1993. The second respondent had initiated disciplinary action against the petitioner, under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and framed charges against the petitioner and the Government have imposed punishment of compulsory retirement from service for the proved charges to the petitioner vide G.O.(D) No.381 Health and Family Welfare Department dated 20/3/2001 and the petitioner has been relieved from Government services on the afternoon of 12/4/2001. Further, Government have regularised the unauthorised absence period from 1/2/1993 to 12/4/2001 treated as Extraordinary leave without pay and allowances without medical



W.P.No.17202 of 2023

certificate vide, G.O.(D) No.1212, Health and Family Welfare (L2)

Department dated 15/11/2006.

WEB COPY

6. Heard Mr.A.R.Nixon, learned counsel for the petitioner and Mr.K.Tippusultan, learned Government Advocate for the respondents.

7. The learned counsel appearing for the petitioner would submit that the petitioner's representations were simply exchanged from Department to Department. The livelihood of the petitioner is only based on the terminal benefits.

8. The learned Government Advocate appearing for the respondents would submit that as per Accountant General's admissibility report dated 24/8/2023, the net qualifying service of the petitioner is 19 years and 6 days only. Accordingly, pensionary benefits of the petitioner has been revised. Accountant General, Chennai has intimated that there is no change in pensionary benefits. Hence no further revision is required in the case of the petitioner, vide, Accountant General's letter dated 6/10/2023.



WEB COPY



W.P.No.17202 of 2023

9. Perused the materials available on record.

10. It is the admitted fact that the petitioner was initially appointed as Staff Nurse in Tamil Nadu Medical Subordinate Service and her probation was declared on 27/4/1976. Subsequently, the petitioner was appointed as Public Health Nurse in Tamil Nadu Public Health Service and her services were regularised on 8/10/1990. As per G.O.Ms.No.764 Health and Family Welfare Department, dated 9/4/1986, she was appointed in Government Hospitals in Saudi Arabia for a period of two years. On return from Saudi Arabia, the petitioner has been posted as Public Health Nurse, Multipurpose Health Workers (Female) Training School, Kancheepuram on 27/10/1988.

11. The petitioner was unauthorisedly absent from 1/2/1993. Further, the Government had regularised the period of unauthorised absence from 1/2/1993 to 12/4/2001, treated as Extraordinary leave without pay and allowances without medical certificate vide, G.O.(D) No.1212 Health and Family Welfare (L2) Department dated 15/11/2006. Before regularisation of deputation period, initially pensionary benefit has been paid to the



W.P.No.17202 of 2023

WEB COPY

petitioner. Subsequently, petitioner has been paid pension contribution for two years deputation period on 11/9/2017 and penal interest for pension contribution on 24/1/2018. But the petitioner has not intimated the remittance details of Government contribution to the respondents for revision of petitioner's pensionary benefits till the petitioner files the instant writ petition.

12. Consequent to the receipt of the claim certificate obtained from the Accountant General, a revised pension proposal in respect of the petitioner has been sent to Accountant General, Chennai, and thereafter, the Accountant General has revised the pensionary benefits of the petitioner, from 7/11/1973 (date of first appointment) to 12/4/2001 (date of retirement), including the deputation period of two years. As per Accountant General's Letter No.P08/1/REV/10827522 PPO No/C 276580 dated 24/8/2023, net qualifying service of the petitioner is 19 years and 6 months. Accordingly, pensionary benefits has been revised and paid as follows:-



WEB COPY



W.P.No.17202 of 2023

S.No.	Details of Revised Pensionary benefits	Amount	Remarks
1.	Revised CDRG (already paid DCRG amount is Rs.71,715/-)	Rs.80,152/-	As per AG's authorisation difference of DCRG amount paid by Pension Pay Officer, Thiruvallur
2.	Revised pension (Pension already sanctioned and drawn Rs.1,672/-)	Rs.1,869/-	As per AG's authorisation difference of pension with effect from 13/4/2011 paid by pension Pay Officer, Thiruvallur
3.	Commuted value of pension (already paid commuted value of pension amount is Rs.56,814/-)	Rs.76,194/-	As per AG's authorisation, difference of commutation amount paid by Pension Pay Officer, Thiruvallur.

13. A bare perusal of the records would reveal that the Accountant General, Chennai has intimated to the petitioner that there is change in pensionary benefits and hence, no further revision is required in the case of the petitioner. All the eligible retirement benefits i.e., Encashment of E.L & UEL on PA, Pension, DCRG and Commuted value of pension has been sanctioned and paid to the petitioner, as per net qualifying service of the petitioner. In such a view of the matter, nothing survives for further adjudication in this matter.



WEB COPY



W.P.No.17202 of 2025

14. In the result, this writ petition is dismissed. No costs.

14/3/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

To

1. The Secretary to Government
State of Tamil Nadu
Health and Family Welfare Department
(L 2 Section)
Fort St. George
Chennai 600 009.
2. The Directorate of Public Health and Preventive Medicine
Chennai 600 006.
3. The Deputy Director of Health and Preventive Service
Tiruvallur.



WEB COPY



W.P.No.17202 of 2023

V.BHAVANI SUBBAROYAN,J

mvs.

W.P.No.17202 of 2023

14/3/2025

10/10