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W.P.No.26649 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26649 of 2024

and

W.M.P.Nos.29165 & 29166 of 2024

A. Puspharani

... Petitioner

Versus

1.The Secretary to the Government,
Health and Family Welfare IM2(2) Department,
St. George Fort, Chennai – 9.

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 – 106.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari Mandamus, to call for the records from the 2nd Respondent vide Ref. No 9661/E2/1/2014 dated 09.08.2024 and quash the same, consequently direct the 2nd respondent to send a pension proposal of the petitioner under old pension scheme with the difference of monetary benefits from 26.03.1999 to till date to the petitioner.

For Petitioner : Mr. P. Saravanan

For Respondents : Mr. M. Bindran,
Additional Government Pleader.



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ORDER

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This Writ Petition has been filed challenging the order dated 09.08.2024 passed by the second respondent, whereby the request of the petitioner, seeking admission under the Old Pension Scheme was rejected.

2. The petitioner was initially appointed as Pharmacist Attendant in Government Rural Siddha Pharmacy through employment exchange on a consolidated salary. The petitioner had rendered more than 17 years of service in temporary posts under consolidated salary. In the meanwhile, the petitioner was terminated from service by order dated 31.01.2001. The said termination order was challenged before this Court in W.P.No.36210 of 2004. This Court by order dated 17.04.2014, set aside the order dated 31.01.2001 passed by the first respondent for termination and directed the respondents to reinstate the petitioner as Cook on regular time scale of pay, with continuity of service, but without backwages and also to take into account 50% of the service rendered by her as Medical Assistant on consolidated pay, and thereafter as Cook on time scale of pay, as qualifying service for computing pensionary benefits.

2.1 Pursuant thereto, the petitioner submitted a representation seeking the processing of her pension proposal under Old Pension Scheme and also the



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difference in monetary benefits from 26.03.1999. Since her request was not considered, the petitioner was once again constrained to file a Writ Petition No.35789 of 2023. This Court by order dated 22.12.2023, directed the respondents to consider the petitioner's representation, within four weeks. After filing the Contempt Petition No.2219 of 2024, the request made by the petitioner was rejected.

3. On perusal of the records and submissions on both sides, it is seen that the petitioner was initially appointed as Dispensary Assistant on consolidated pay, and subsequently, she was appointed as Cook on 01.04.1999 in regular time scale of pay. Thereafter, she was reverted to Dispensary service on consolidated salary by order dated 31.01.2001, cancelling the order of appointment as Cook. Subsequently, the petitioner was brought into regular time scale of pay only on 10.07.2007 as Pharmacy Attendant vide G.O.(2D).No.80 Health and Family Welfare IM2(2) Department. Further, G.O.No.430, Finance (Pension) Department dated 06.08.2004 introduced the New Contributory Pension Scheme for all employees appointed on or after 01.04.2003.

4. Since the petitioner was brought into regular time scale of pay on



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10.07.2007, she comes under Contributory Pension Scheme and not under the Old Pension Scheme. However, the respondents completely failed to take note of the order passed by this Court in W.P.No.36210 of 2004 dated 17.04.2014. This writ petition in W.P.No.36210 of 2004, was filed challenging the reversal order dated 31.01.2001, thereby, reverted the petitioner to the post of Dispensary Assistant. Admittedly, the petitioner was appointed as dispensary service from 28.04.1993 on consolidated salary. Subsequently, on 26.03.1999, the petitioner was appointed as Cook from 01.04.1999. Thereafter, once again by order dated 31.01.2001, she was reverted back as dispensary service on consolidated salary. Further, the order passed by this Court was not at all considered by the respondents only because, she filed a contempt petition and thereafter, the impugned order has been passed.

5. In view of the above, the impugned order dated 09.08.2024 is quashed. The second respondent is directed to:

(i) process and forward the petitioner's pension proposal under the Old Pension Scheme;

(ii) by taking into account 50% of the service rendered as Medical Assistant on consolidated pay;



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(iii) and thereafter, her service as Cook on regular time scale of pay;

(iv) as qualifying service for the purpose of calculating pensionary benefits;

within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

17.11.2025

Index : Yes/No

Speaking/Non-Speaking Order

Neutral Case Citation : Yes/No

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To

1. The Secretary to the Government,
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St. George Fort, Chennai – 9.
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 – 106.
3. The Public Prosecutor, High Court of Madras, Chennai.

G.K.ILANTHIRAIYAN. J.



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