



W.P.No.28586 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-02-2025**

CORAM

THE HONOURABLE MRS JUSTICE V.BHAVANI SUBBAROYAN

WP NO. 28586 of 2023

and W.M.P.No.13954 of 2024

Dr.K.Saraswathi Mani

....Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George, Chennai,
Pin - 600 009.

2.Principal Accountant General,
361, Anna Salai, Rostrevor Garden,
Teynampet, Chennai,
Tamil Nadu - 600 183.

3.District Treasury Officer,
Ooty Collectorate Campus,
Ooty, Nilgiris District - 643 001

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India to issue a Writ of Mandamus directing the respondents 1 to 3 to



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sanction revised pension and attendant benefits.

For Petitioner:

Mr.R.Subramanian

For Respondents:

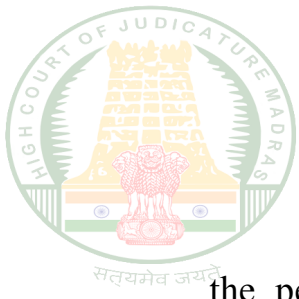
Mrs.C.Meera Arumugam for R1
Additional Government Pleader
Mrs.J.Sree Vidya for R2 and R3
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to sanction revised pension and attendant benefits.

2. Brief facts that are required for disposal of the writ petition are as follows:

(i). The petitioner, a retired Civil Surgeon Specialist from Mohan Kumaramangalam Medical College Hospital, Salem, retired on 30.11.1986 after serving for 24 years, 6 months, and 8 days. As per G.O.Ms.No. 236, Finance (Pay Cell) Department, dated 12.07.2018, the revision of pension was granted to medical officers, fixing their pay at Level 28, Cell No.1 of the Pay Matrix (Rs.1,23,100-2,15,900), making

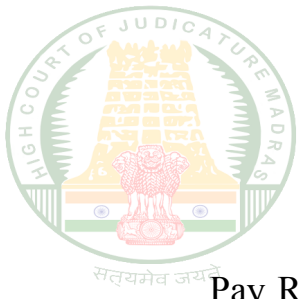


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the petitioner eligible for a pension of Rs. 50,266 with effect from 01.07.2018. The Principal Accountant General, Chennai, directed that the revision be processed by the concerned Treasury Officer for retirees before 01.01.2016. Accordingly, the petitioner's pension application was forwarded to the 3rd respondent via proceedings dated 04.03.2019. However, no action was taken, leading the petitioner to file W.P. No. 6390/2023. This Court, by order dated 03.03.2023, directed the 3rd respondent to pass appropriate orders within four weeks. Following this, on 26.05.2023, the 3rd respondent sought the pension proposal from the Principal, who re-submitted the proceedings of 04.03.2019. Despite this, no further action was taken.

(ii). The petitioner, citing G.O.Ms.No. 236, which sanctioned revised pensions for retired medical professionals with monetary effect from 01.07.2018, submitted a representation on 25.03.2023. The petitioner's case was similar to that of Dr. Vanaja Krishnan, whose pension revision was implemented. The Dean of Mohan Kumaramangalam Medical College confirmed that the petitioner was eligible for an original pension of Rs. 56,266/- as per the TN Revised

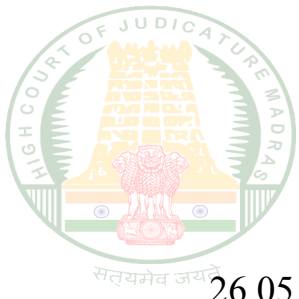


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Pay Rules. Despite forwarding the revised pension application in March 2019, no action was taken. A subsequent representation was made on 07.07.2023, but the matter remained unaddressed, leading to the present writ petition seeking revision and disbursement of pension arrears.

3. The learned counsel for the petitioner submitted that upon her retirement, the Mohan Kumaramangalam Medical College Hospital, Salem, forwarded her pension application on 28.02.2019, stating that, as per G.O.Ms.No. 236, Finance (Pay Cell) Department, dated 12.07.2018, the revision of pension was applicable to medical officers who retired before 23.10.2009/01.01.2016, with their scale of pay revised to Level 28, Cell No.1 of the Pay Matrix (Rs.1,23,100-2,15,900), making the petitioner eligible for a pension of Rs. 50,266/- with effect from 01.07.2018. Despite forwarding her application to the 3rd respondent on 04.03.2019, no action was taken. Hence the petitioner filed a writ petition in W.P. No. 6390/2023, wherein this Court, by order dated 03.03.2023, directed the 3rd respondent to pass appropriate orders within four weeks. However, even after the 3rd respondent called upon the Principal of the Medical College to forward the pension proposal on



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26.05.2023 and the Principal re-submitted the same, no further action was taken. The petitioner subsequently submitted a representation on 25.03.2023, highlighting the fact that G.O.Ms.No. 236 had been implemented for several doctors, including Dr. Vanaja Krishnan, Dr. Zaheer Hussain, and Dr. Santha Ramachandran, all of whom had been granted revised pensions. Since her case was similar to that of Dr. Vanaja Krishnan, and the Dean of the Medical College had confirmed her eligibility, the 3rd respondent has to consider her representation for revision of her pension w.e.f.01.07.2018 along with arrears.

4. On the other hand, the learned Additional Government Pleader has filed a counter affidavit, wherein in it is stated that this Court in W.P.No.8594 of 2020 filed by the Retired Medical Officers, challenging show cause notice issued to the retired doctors vide Government Letter No 56930/Finance (PC2) Department/2018-4, dated: 23.05.2020 and continue to pay the revised pension as per the orders in GO. Ms No 236, Finance (Pay Cell) Department. dated 12.07.2018, has issued directions as follows;

i."The petitioners & other similarly placed persons in Type-1,



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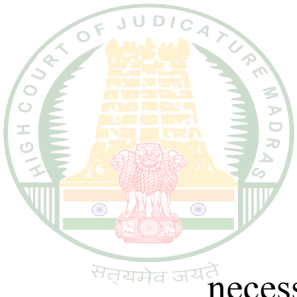
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are directed to make their representations within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider the representations along with the relevant pension rules and all other precedents and shall pass an order, within a period of twelve weeks from the date of receipt of the representations from the Petitioners.

ii. The Writ Petitions in Type-II cases are disposed by directing the Respondents to consider and pass orders as to the entitlement of these Petitioners depending upon the outcome of the orders that is going to be passed in respect of G.O.Ms.No. 236, Finance (PC) Department, dated: 12.07.2018.

iii. The Writ Petitions in Type-III cases are disposed by quashing the Government Order and it was directed that the Respondent shall pass a fresh order in respect of these Petitioners by taking into consideration the outcome of the Government Order as to the continuation of G.O.Ms No.236, Finance (PC) Department, dated 12.07.2018".

5. Learned Additional Government Pleader further submitted that based on the above directions, some of the petitioners therein have submitted their representations and the representation from other petitioners have not been received. After receipt of representations, the



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necessary orders will be passed in line with the above directions issued by this Court.

6. Learned Additional Government Pleader has further submitted that the orders issued in G.O.Ms.No. 236, Finance (Pay Cell) Department, dated 12.07.2018 is under re-examination and based on the orders of this Court issued in W.P.No.8594 of 2020 & batch, dated 12.07.2018, a final decision will be taken by the Government and the same will bind the present case in hand.

7. Considering the facts and circumstances of the case and the submissions made by the learned Additional Government Pleader, this Court is inclined to pass the following order;

i. The petitioner is directed to submit a fresh representation to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order.

ii. Upon receipt of such representation, the 3rd respondent shall consider the same and pass appropriate orders as per the principal laid down by this Court in the above batch of writ petitions, within a period of twelve weeks(12) from the date of receipt of a copy of this order.



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8. With the above directions, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

1. The Principal Secretary,
Government of Tamil Nadu,
Finance (Pay Cell) Department,
Fort St. George, Chennai,
Pin - 600 009.

2. Principal Accountant General,
361, Anna Salai, Rostrevor Garden,
Teynampet, Chennai,
Tamil Nadu - 600 183.

3. District Treasury Officer,
Ooty Collectorate Campus,
Ooty, Nilgiris District - 643 001



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V.BHAVANI SUBBAROYAN,J.

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