



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-09-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

REV.APLW(MD) NO. 59 of 2025

IN

WP(MD) NO. 5146 OF 2016

R.Sarabai

Appellant(s)

Vs

1. The State of Tamil Nadu
Rep by its Secretary to Government
Public Health and Family Welfare Department
Fort St.George
Chennai 600 009

2. The Director of Public Health and Preventive Medicine
DPI Compound
College Road
Nungambakkam
Chennai 600 006

3. The Deputy Director of Health Services
Office of Deputy Director of Health Services
Nagercoil, Kanyakumari District

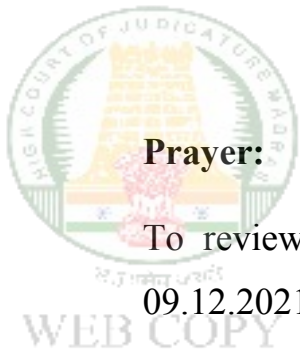
4. The Principal Accountant General (A&E), Tamil Nadu,
Office of the Accountant General (A&E), Tamil Nadu,
361, Anna Salai, Teynampet,
Chennai – 600 018

Respondent(s)

(R4 is suo motu impleaded by this Court, vide this order,
dated 23.09.2025, made in Rev.AplW(MD)No.59 of 2025)

For Appellant(s): Mr.K.Gurunathan

For Respondent(s): Mr.A.Oli Raja, Government Advocate



Prayer:

To review the order passed by this Court in W.P.(MD).No.5146 of 2016 dated 09.12.2021 in so far as the fixation of the date of compulsory retirement is concerned.

ORDER

The present review application is filed against the order passed by this Court in W.P. (MD).No.5146 of 2016 dated 09.12.2021.

2.The contention of the petitioner is that the petitioner has filed the writ petition in the year 2016 itself challenging the punishment order. Actually hearing the writ petition, this Court modified the punishment as compulsory retirement. Pending writ petition, the petitioner attained superannuation in May 2018. Therefore, she is praying to fix the date of compulsory retirement from the date of superannuation for which he is relying on G.O.No.41, Personnel and Administrative Reforms (FR-III) Department, dated 28.04.2015, wherein it is stated as under:

"4. The Government, after careful consideration order that as the individuals who are not permitted to retire, on his reaching the date of retirement, are to be paid salary, not exceeding the pension, which has accrued to the Government servant on that date, in accordance with the provisions of Fundamental Rules, as stated above, until the date of termination of the disciplinary proceedings, the date of effect of the punishment of Compulsory Retirement, issued after the date of superannuation, in accordance with Fundamental Rules 56(1)(c) and Ruling-8 under Fundamental Rules 54-B, is the date of issue of Compulsory Retirement order."



3. Further, the petitioner submitted that he is not inclined to claim any salary for the said period. However, the said period may be included in the service so that the pensionary benefits can be modified.

4. When the G.O., specifically states to fix the compulsory retirement date as the date of superannuation, this Court is inclined to accept the plea of the petitioner and the order is reviewed to the extent stated supra. Therefore, the petitioner is entitled to receive pensionary benefits by fixing the date of superannuation as the date of compulsory retirement.

5. Since the petitioner is retired from service, the Principal Accountant General is one of the necessary parties. Therefore, *"The Principal Accountant General (A&E), Tamil Nadu, Office of the Accountant General (A&E), Tamil Nadu, 361, Anna Salai, Teynampet, Chennai – 600 018,"* is suo motu impleaded by this Court as 4th respondent. The Registry is directed to carry out necessary amendments wherever necessary.

6. The respondents shall work out the pensionary benefits and disburse the amount at the earliest. Therefore, the official respondents shall complete the above said exercise within a period of four months from the date of receipt of a copy of this order.

7. With the above said observations, the review application is partly allowed. No costs.



23-09-2025

WEB COPY

To

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