BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
17.11.2025	16.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.32007, 9361, 9074, 9269 & 9757 of 2025
and Contempt Petition(MD) No.2542 of 2025
and W.M.P.(MD) Nos. 7003, 7001, 7279, 11241, 11421, 11366, 6999, 6932, 6930, 6929, 6816, 6815, 7278, 25200, 6814, 25199 & 7276 of 2025

W.P.(MD).No.32007 of 2025
Dr.S.M.Mohideen Sahib ... Petitioner

Vs

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Principal Secretary to Government,
Health & Family Welfare (A1) Department,
Secretariat, Fort St. George, Chennai – 600 009.

3.The Director Medical Education & Research Department,
Kilpauk Chennai – 600 010. … Respondents

W.P.(MD).No.9361 of 2025

1.Prof.Dr.V.Sathyavan
2.Dr.T.Rajagopal
3.R.Venkataratnam
4.Dr.V.Soundarajan
5.Dr.S.Nagarathinam
6.Dr.V.Narayanasamy
7.Prof.Dr.M.Eswaran
8.Dr.S.K.Kamaraj
9.Dr.Dr.Kalaivani
10.Dr.S.Ramasamy
11.Dr.R.Ganesan
12.Dr.Chandramathi
13.Dr.G.Chandrakanthan
14.Dr.A.Natarajan
15.Dr.A.Raju
16.Dr.V.Natarajan
17.Dr.P.Ravikumar
18.Dr.V.D.Raghavendran
19.Dr.N.Krishnamoorthy
20.Dr.N.Thambi Arul
21.Dr.S.Prathab Anbunathan
22.Dr.S.Selvam
23.Prof.Dr.Rajaguru
24.Prof.Dr.S.Rajarajeswari
25.Dr.S.Balakrishnan
26.Dr.Rathi Adityan
27.Dr.M.Vasantha
28.Dr.U.Sornamala
29.Dr.A.Jaffarullah
30.Dr.Felshia Newton
31.Dr.C.Shanmugasundaram
32.Dr.Dhamayanthi

33.Dr.G.Krishnan
34.V.Ramamoorthy
35.Dr.P.Vedamoorthy
36.Dr.D.Meikandan
37.Dr.M.Kamaraj
38.Dr.A.Mossadeq
39.Dr.P.Kalyani
40.Dr.N.Vijayasankaran
41.Dr.A.Jayaveer
42.Dr.V.Murugesan
43.Dr.M.Arunagiri
44.Dr.M.Chandra
45.Dr.G.Regupathy
46.Dr.S.Indrani
47.Dr.R.Pugalendhi
48.R.Nalini … Petitioners

Vs

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Principal Secretary to Government,
Health & Family Welfare (A1) Department,
Secretariat, Fort St. George, Chennai – 600 009.

3.The Director Medical Education & Research Department,
Kilpauk Chennai – 600 010.

4.The Director of Treasuries and Accounts,
3rd Floor, Perasiriyar, K.Anbazhagan Maaligai,
Nandanam, Chennai – 600 035. … Respondents

W.P.(MD).No.9269 of 2025

1.Dr.P.Sivalingam
2.Dr.N.Durairaj
3.Dr.M.Kalyanasundaram
4.Dr.I.Shanmuganathan
5.Dr.S.Sankaramoorthy
6.Dr.B.K.Shanmugam
7.Dr.S.Murugan
8.Dr.S.M.Arumugam
9.Dr.R.Chandrasekaran
10.Dr.S.Rajendran
11.Dr.M.Ramasamy
12.Dr.S.Nagammal
13.Dr.G.Shanmugavel
14.Dr.D.Tamarai
15.Dr.M.Marimuthu
16.Dr.A.Chidambaram
17.Dr.M.Palanisamy
18.Dr.M.P.Mohamed Sheriff
19.Dr.A.Malathi
20.Dr.S.V.R.Sanjeevi Rajah
21.Dr.K.Srinivasan
22.Dr.K.Navaneetham Krishnasamy
23.Dr.S.Chandrabai
24.Dr.R.Sundararajan
25.Dr.M.Chidambaram
26.Dr.M.Ramasamy
27.Dr.R.Sundararajan
28.Dr.P.Jeevaraj
29.Dr.S.Munisamy
30.Dr.V.D.Krishnaram
31.Dr.A.Yamunadevi
32.Dr.V.Seetharaman
33.Dr.P.Kannan
34.Dr.R.Durairaj

35.Dr.T.Prabhakaran
36.Dr.C.Gopalakrishnan
37.Dr.S.S.Rajendran
38.Dr.P.Jagadeesapandian
39.Dr.K.Raman
40.Dr.S.Ahanatha Pillai
41.Dr.N.Krishnaveni
42.Dr.M.Ravinarayanan
43.Dr.V.Narayanan
44.Dr.P.Lakshmanan
45.Dr.S.Ulaganayaki
46.Dr.S.Francis Dominic
47.Dr.A.Rajalakshmi
48.Dr.V.O.A.Kathiresan
49.Dr.S.Ramarajan
50.Dr.A.Srinivasan
51.Dr.P.Ponnusamy
52.Dr.P.Selvaraj
53.Dr.P.Nithyanandam
54.Dr.R.Karunaikadal
55.Dr.S.Selvamoni
56.Dr.A.Selvaraj Jeyaseelan
57.Dr.M.Sankareswari
58.Dr.L.Subramanian
59.Dr.M.S.Somanathan
60.Dr.A.V.Samvel
61.Dr.S.seetharaman
62.Dr.S.Sivaraj
63.V.Saraswathy
64.S.Saraswathy
65.Promilda
66.Tmt.P.Jayalakshmi
67.Dr.S.Rajendran
68.P.Indira Periathambi … Petitioners

Vs

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 9.

2.The Principal Secretary to Government,
Health & Family Welfare (A1) Department,
Secretariat, Fort St. George, Chennai – 9.

3.The Director of Medical Education and Research Department,
Kilpauk Chennai – 10.

4.The Director of Medical & Rural Health Services,
DMS Complex, Teynampet, Anna Salai, Chennai.

5.The Director of Medical & Rural Health Services (ESI)
DMS Complex, Teynampet, Anna Salai, Chennai.

6.The Director of Treasuries and Accounts,
3rd Floor, Perasirayar K.Anbazhagan Maligai,
No.571, Anna Salai, Nandanam, Chennai – 600 035. … Respondents

COMMON PRAYER IN W.P.(MD).Nos.32007, 9361 & 9269 of 2025:

Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ, calling for the records of the first respondent in connection with the impugned order passed in G.O.(Ms).No.30, Finance (PC-2) Department dated 05.02.2025 and the consequential order of the third respondent issued in

Ref.No.050669/A3(1)/2025 dated 19.02.2025 and quash the same and consequently direct the respondents to restore and continue to pay the revised pension/ family pension to the petitioners in pursuance to the G.O.(Ms).No.236 Finance (Pay Cell) Department dated 12.07.2018 and reimburse the amount of pension reduced from the pension of the petitioners from the month of February 2025 within a time limit to be fixed by this Court and pass such further orders.

W.P.(MD).No.9074 of 2025

1.Dr.C.Kamaraj
2.Dr.M.Jeyaprakash
3.Dr.A.J.Thirruthuvathas
4.Dr.C.Annaroja
5.Dr.C.Somasundaram
6.Dr.S.Koipillai Packiaraj
7.Dr.S.Syed Ibrahim
8.Dr.T.R.Somasundram
9.Dr.N.Elangovan
10.Dr.Marina Packiaraj
11.Dr.M.Prabakara Sundaralingam
12.Dr.M.Sakthivel
13.Dr.V.Jeganathan
14.Dr.S.Subbaiah
15.Dr.A.Mahakrishnan
16.Dr.M.C.A.Kallelullah
17.Dr.S.Jeyalakshmi
18.Dr.P.Chokalingam
19.Dr.K.Govindan
20.Dr.N.T.Srinvasan
21.Dr.V.Veerasamy
22.Dr.Chinnasamy Prabhakaran

23.Dr.Jeevankumar
24.Dr.Indirani Kuppusamy … Petitioners

Vs

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
Health & Family Welfare Department,
Secretariat, Fort St. George, Chennai – 600 009.

3.The Director of Medical Education and Research Department,
Kilpauk Chennai – 600 010.

4.The Director of Medical and Rural Services,
No.359-361, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.

5.The Director of Medical and Rural Services (ESI),
No.359-361, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.

6.The Director,
Public Health and Preventive Medicine,
No.359, Anna Salai,
DMS Campus, Teynampet,
Chennai – 600 006.

7.The Director of Treasuries and Accounts,
3rd Floor, Perasirayar K.Anbazhagan Maligai,

571, Anna Salai, Nanthanam, Chennai. … Respondents

W.P.(MD).No.9757 of 2025

1.Dr.N.Balasubramanian

2.Dr.T.Jeyaramakrishnan … Petitioners

Vs

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
Health & Family Welfare (A1) Department,
Secretariat, St. George, Chennai – 600 009.

3.The Director of Medical Education and Research Department,
Kilpauk Chennai – 10.

4.The Director of Medical & Rural Services,
No.359-361, DMS Complex, Anna Salai,
Teynampet, Chennai.

5.The Director of Medical & Rural Health Services (ESI)
No.359-361, DMS Complex, Anna Salai,
Teynampet, Chennai.

6.The Director,
Public Health and Preventive Medicine,

No.359, Anna Salai, DMS Campus,
Teynampet, Chennai – 600 006.

7.The Director of Treasuries and Accounts,
3rd Floor, Perasirayar K.Anbazhagan Maligai,
No.571, Anna Salai, Nandanam, Chennai – 600 035. … Respondents

COMMON PRAYER in W.P.(MD).Nos.9757 & 9074 of 2025: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ, calling for the records of the first respondent in connection with the impugned order passed in G.O.(Ms).No.30, Finance (PC-2) Department dated 05.02.2025 and the consequential order of the third respondent issued in Ref.No. 050669/A3(1)/2025 dated 19.02.2025 and quash the same and consequently direct the respondents to restore and continue to pay the revised pension/ family pension to the petitioners in pursuance to the G.O.(Ms).No.236 Finance (Pay Cell) Department dated 12.07.2018 and to pass such further orders.

For Petitioners : Mr.Issac Mohanlal
Senior Counsel
for Mr.C.Karthik
in W.P.(MD) No.9269 of 2025
: Mr.L.ChandraKumar
for Mr.A.Thirumoorthy
in W.P.(MD) No.9361 of 2025
: Mr.K.Venkatramani Senior Counsel
for Mr.V.M.Jagadeesh Pandian
in W.P.(MD) No.32007 of 2025

: Mr.Chellapandian
Senior Counsel
in W.P.(MD) Nos.9757 and 9074 of 2025

For Respondents : Mr.Raveendran
Additional Advocate General
Assisted by Mr.S.Saji Bino
Special Government Pleader for R1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R2, R4,R5 & R6

Ms. Sneha Standing Counsel for R3
…in W.P.(MD) No. 9269 of 2025,

: Mr.J.Raveendran
Additional Advocate General
Assisted by Mr.S.Saji Bino
Special Government Pleader for R1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R4 to R7 and R2

Ms. Sneha, Standing Counsel for R3
…in W.P.(MD) Nos.9074 & 9757 of 2025

: Mr.Raveendran
Additional Advocate General
Assisted by Mr.S.Saji Bino

Special Government Pleader for R1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R2, R4, R5 & R6

Ms.Sneha, Standing Counsel for R3
...in W.P.(MD) No. 9361 of 2025

: Mr.Raveendran
Additional Advocate General
Assisted by Mr.S.Saji Bino
Special Government Pleader for R1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R2 & R4

Ms.Sneha, Standing Counsel for R3
...in W.P.(MD) No.32007 of 2025

Contempt Petition (MD).No.2542 of 2025

1.Dr.C.Kamaraj

2.Dr.M.Jeyaprakash

3.Dr.A.Thirruthuvathas

4.Dr.C.Annaroja

5.Dr.C.Somasundaram
6.Dr.S.Koipillai Packiaraj

7.Dr.S.Syed Ibrahim
8.Dr.T.R.Somasundram
9.Dr.N.Elangovan
10.Dr.Marina Packiaraj
11.Dr.M.Prabakara Sundaralingam
12.Dr.M.Sakthivel
13.Dr.V.Jeganathan
14.Dr.S.Subbaiah
15.Dr.A.Mahakrishnan
16.Dr.M.C.A.Kallelullah
17.Dr.S.Jeyalakshmi
18.Dr.P.Chokalingam
19.Dr.K.Govindan
20.Dr.N.T.Srinvasan
21.Dr.V.Veerasamy
22.Dr.Chinnasamy Prabhakaran
23.Dr.Jeevankumar
24.Dr.Indirani Kuppusamy … Petitioners

Vs

1.T.Udhaya Chandran, IAS,,
2.Supriya Sahu IAS.,
3.Dr.Therani Rajan.E
4.Dr.Chitra.E
2.Dr.M.Veera Shanmuga Moni, IAS.,

PRAYER: Contempt Petition filed under Section 11 & 12 of Contempt of Courts Act, 1971, praying to punish the respondent for their wilful disobedience and disrespect shown by the respondent in respect of the order passed by this Court in W.M.P.(MD).No.6816 of 2025 in W.P.(MD).No.9074 of 2025, dated 02.04.2025 and pass such further orders.

For Petitioners : Mr.Chellapandian
Senior Counsel
for Mr.A.K.Baskarapandiyan

For Respondents : Mr.J.Raveendran For R1
Additional Advocate General
Assisted by Mr.S.Saji Bino
Special Government Pleader

: Mr.N.Satheesh Kumar for RR2, 4 & 5
Additional Government Pleader

: Ms.Sneha for R3
Standing Counsel

COMMON ORDER

These writ petitions have been filed to quash the Government Order in G.O.(Ms).No.30 Finance PC-2 Department which cancelled the revised pension and consequential order of the administrative authority and further to restore and continue to pay the revised pension/family pension in pursuance to the G.O.(Ms) No.236 Finance (Pay Cell) Department.

2) Heard the learned Senior Counsels/ Counsels for their respective parties.

3) Learned Senior Counsels/ Counsels appearing on behalf of the petitioners would submit that the petitioners are all pensioners/ family pensioners, they/ their predecessors having worked as Doctors under the Government of Tamil Nadu. The Tamil Nadu Government Doctors Association, noting that there were no adequate promotional opportunities leading to stagnation in various levels had approached the Government to provide with dynamic Assured Career Progression Scheme. The Government had formed a Committee and on the basis of the recommendations of the Committee, in its Report dated 30.08.2009, Government orders were issued in G.O(Ms).No.354, Health and Family Welfare Department dated 23.10.2009 providing various promotional opportunities through a Dynamic Assured Career Progression Scheme. The said Government order was revisited by a further Government order in G.O.(Ms).No.245 dated 30.10.2013 entitling time bound promotion on completion of 8/ 15/ 17/ 20 years. By a Government letter dated 16.05.2014 it was clarified that the Government order in G.O.(Ms).No.245 would take effect from the date of issue of the said

Government order. However, by a Government order in G.O.(Ms).No.301 dated 06.10.2025 a retrospective effect of the time bound promotions were given from 23.10.2009 namely the date of issue of G.O.(Ms).No.354.

4) Representations were made by the Doctors who had retired to grant them parity at least in the pension on the scale of pay that is adopted based upon the time bound promotions. Considering the representations, the Government had issued G.O.(Ms).No.236 Finance (Pay Cell) Department, dated 12.07.2018 revising the pension/ family pension of Professors/ Medical Officers who had retired prior to the issue of G.O(Ms).No.354 dated 23.10.2019. However, the pensionary benefits were granted only with prospective effect considering the financial commitments of the Government. The family pension of the Professors/ Medical Officers stood revised with reference to the higher pay scale granted to the Professors/ Medical Officers who are elevated as Chief Surgeon pursuant to the time bound promotions given by the Government under G.O.(Ms).No.354.

5) Learned Senior Counsels would further submit that while that being so,

the first respondent had issued a show cause notice in the year 2020 proposing to cancel the Government order in G.O.(Ms).No.236 with prospective effect. The said show cause notices came to be challenged before this Court and this Court in a batch of Writ Petitions in W.P.Nos.7905 of 2022 and etc., batch in its order dated 12.12.2023 had quashed paragraphs 4 to 6 of the impugned notice, but, however, left it to the Government to pass appropriate orders. Thereafter, the impugned order had been passed reiterating the reasons shown in the show cause notice. They would submit that the impugned order had been made on various factual infirmities. That apart, they would submit that the impugned order also reflects that the future developments and the other welfare schemes would also have to be taken care as a reason to cancel the revised pension granted to the pensioners.

6) They would in one voice submit that the grant of pensionary benefits itself is not a bounty and it is a welfare measure that the Government extend to its former employees. Such pensionary benefits granted to the pensioners have created vested right in them and that the same cannot be recalled or revisited

except in tandem with regard to the Statutory Provisions in that regard. They would submit that the only Provision that is available to the Government is under Rule 56 of the Tamil Nadu Pension Rules and that the said Provision also would entitle the Authority to only correct a clerical error in the Pension Order.

7) They would further submit that even though, the show cause notice had been issued only invoking powers under Rule 56, the impugned order had been made much beyond the scope available under the said Rules. They would further submit that the Government had taken a conscious decision in the year 2018 based upon its financial commitments and promised to pay the pensioners a higher pension to maintain parity between the similarly placed retirees. They would further submit that the reasons attributed in the Government order particularly to meet out the future development and to meet the other welfare schemes introduced by the Government would only tantamount to robbing the beneficiaries of benefits carved out by a subsequent policies of the Government. They would further submit that the class of pensioners who are given the benefit of the G.O(Ms).No.236 is a diminishing class and the statistics given by the

respondents are wholly imaginary. They would also further submit that the Government had also been given such hike in pension to various other pensioners but have only carved out the Doctors who have served the State.

8) Countering their arguments, Mr.J.Raveedran, learned Additional Advocate General would submit that there is no dispute with regard to issue of the Government orders in G.O.(Ms).No.354 up till G.O.(Ms).No.236. However, when issues were raised by various other Medical Officers of other categories who have completed 20 years of their service and retired from service even before the year 1996 in the corresponding pay scales, the Government had taken up a detailed review on the Government order in G.O.(Ms).No.236. It was found that certain aspect had escaped from consideration of the Government which would render the same as against the actual intent of the policies. If the Government order in G.O.(Ms).No.236 is to be applied to all Medical Officers of various categories, it would lead to an additional expenditure to the tune of Rs.300 Crores to the Government per annum. He would further submit that noting the above issues, show cause notices were issued to the beneficiaries of G.O.(Ms).No.236 as

to why the said Government order should not be cancelled. It had been repeatedly held by the Hon'ble Apex Court that the High Courts exercising powers under Article 226 unless and until finds the show cause notice has been issued wholly without jurisdiction or wholly illegal cannot be interfere with the show cause notices.

9) In that context, he would submit that the show cause notices issued do not suffer from any illegality or arbitrariness. He would submit that the Government had not only taken into consideration the above financial burden but also had taken note of the inconsistent policy, which is in violation of the judicial directions issued by this court. Placing reliance upon the Division Bench judgment of this Court in W.A.(MD).No.922 & 923 of 2013 as upheld by the Hon'ble Apex Court in the application of the Dynamic Assured Career Progression Scheme has to be only prospective. The retrospective application of the same to the retired Professors/ Medical Officers who had superannuated prior to the said Scheme should not have been made. He would submit that such withdrawal or modification has not been made retrospectively and is only sought

to be applied prospectively. Hence, there would be no recovery of any amount that had been paid due to the change in policy decision under the impugned Government order.

10) He would submit that under G.O(Ms).No.354 promotion was assured with Grade Pay only after completing 20 years of service prospectively and the same had been applied retrospectively through the Government order in G.O.(Ms).No.236. He would submit that G.O.(Ms).No.236 is not only irregular but also not in consonance with the Provisions of the Tamil Nadu Pension Rules. Referring to Rule 43 of the said Pension Rules, he would contend that the amount of pension should be determined only based on the average emoluments drawn by a Government servant during the last 12 years of their service or on the date of retirement as the case may be. He would further submit that the Rule 30 would stipulate that the emoluments should include the pay sanctioned to the post held substantively or in officiating capacity. However, in G.O.(Ms).No.236 pension had been calculated on the pay scale of a newly created post which the pensioners did not hold at the time of their retirement. Therefore, the Government order is

also in contravention of the aforesaid Rules.

11) Referring to the Government order in G.O.(Ms).No.313, he would submit that the revised pension shall not be lower than 50% of the minimum pay on the prescribed level in the pay matrix corresponding to the pre-revised pay scale. The corresponding pre-revised pay scale of an Associate Professor with effect from 01.01.2006 is in the of pay band of 15,600-39,100 + G.P. 7,600 which fell in the revised pay scale of 61,900-1,96,700 as per Annexure-I to the said Government order. But, however under G.O.(Ms).No.236, the pensioners would draw a minimum pension of 50% in the pay matrix of Rs.1,23,100-Rs.2,15,900.

12) He would further submit that additional benefit extended to the retired employees do not constitute a vested right as it is a well settled principle that additional benefit can be retrospective, does not automatically become a vested right of a beneficiary. He would vehemently contend that the concept of vested right can only be invoked with regard to the old pension fixed and not the additional pension that has been given as a benefit. He would submit that the

Doctrine of Promissory Estoppel cannot be invoked to perpetuate a wrongful benefit that was conferred on a policy decision, which is also not clothed with any statutory obligation. He would contend that the benefit lacks statutory sanction.

13) Relying upon the judgments of the Hon'ble Apex Court reported in ***Hari Ram Gupta's Case*** reported in ***1998 (6) SCC 328***, he would submit that the petitioners who had superannuated prior to the Rule that had come into force cannot claim right to pension under the Rules by drawing support of the judgment of the Constitutional Bench of the Hon'ble Apex Court in Nakara's case.

14) Relying upon the judgment of the Hon'ble Apex Court reported in 1994 (4) SCC 68, he would submit that it is the prerogative of the State to frame scheme for persons who had superannuated from service due to many constrains and that it is not possible to extend the same benefits to one and all irrespective of the dates of the superannuation. In that context, he would submit that the petitioner cannot draw support from the Provisions of the Article 14 of the Constitution of India.

15) Further, relying upon the judgment of the Hon'ble Apex Court reported in 1997 (6) SCC 623, he would submit that withdrawal of a vested pensionary rights retrospectively is only unconstitutional. He would submit that in the present case, withdrawal had been made prospectively and not retrospectively and therefore, there is no violation of any constitutional mandate as it preserves the original pension that had been granted to the respective pensioners and therefore, he prays this Court to dismiss these Writ Petitions.

16) I have considered the rival submissions made by the learned counsel appearing on either side and perused the materials placed on record.

17) The admitted facts are that there has been no promotional avenues for the Doctors who were working in the Directorates of Medical and Rural Health Services, Public Health and Preventive Medicine and also Medical Education. Considering the same, the Government had also formulated a DACP scheme for granting upgradation of their post on completion of specified periods. Such

benefit came to be extended under the Government Order in G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009. The petitioners herein have all superannuated in the respective Directorates prior to 2009 namely the date of issue of the said Government Order supra. As there has been representations with regard to parity of pension of Doctors who retired prior to the Government Order who were not benefited with the DACP Scheme by a Government Order in G.O.Ms.No.236, Finance (Pay Cell) Department dated 12.07.2018 whereby the Government had directed that the pension of Medical Officers/Professors, who had retired prior to 23.10.2009 be revised with reference to the higher pay scale granted to the professors, who were elevated as Chief Civil Surgeon due to time bound upgradation as per G.O.Ms.No.354 and such benefits were only given prospectively. Under the impugned orders, the same is sought to be cancelled on the ground that there has been a misconception of applying the Government Order in G.O.Ms.No.354, retrospectively to Doctors who had superannuated earlier.

18) That apart, the other reasons that had been attributed under the

impugned order is that there has been a changed circumstances as other welfare schemes had to be catered to. It has also been indicated that as per the Pension Rules, they would be entitled to pension as per the emoluments last drawn by them and the enhanced pension is contrary to the said provisions. The Government Order cancelling the revised pension had been challenged in these Writ Petitions.

19) In the Government Order in G.O.Ms.No.236, dated 12.07.2018 was made on a representation by a retired professor claiming parity atleast in pension on the basis of scale of pay adopted to professors given time bound promotion as Chief Civil Surgeon. While considering the representation, the Government falling upon a Government Order made in G.O.Ms.No.106, Higher Education Department, dated 14.05.2015 and G.O.Ms.No.64, Health and Family Welfare Department, dated 19.02.2018 granted revised pension.

20) G.O.Ms.No.106, dated 14.05.2015 was issued for pensioners who had retired prior to 1986 in the post of Professors and whose pension had been revised

in a particular pay scale w.e.f., 01.01.1996 to be stepped up to 50% of the minimum of pay band and academic a grade pay. It is to be noted that under G.O.Ms.No.1785, dated Education Department, dated 05.12.1988, the Government had issued an order envisaging a Career Advancement Scheme w.e.f.,01.01.1986. The effect of the order is that the Professors who retired prior to 1986 i.e., 01.01.1986 and who did not get the benefit of the Career Advancement Scheme had received pension based upon the emoluments that their last drawn and the same was revised by stepping up their pension in the pay band and academic grade pay as on 01.01.2006.

21) The Government Order in G.O.Ms.No.64, Health and Family Welfare Department, dated 19.02.2018, was issued in favour of an individual whose claim for retrospective monetary benefits have been entertained even with regard to his pay upon which his pension had also been calculated.

22) The effect of the Government Order in G.O.Ms.No.236, Finance Department dated 12.07.2018, is that the Professors who had superannuated

before the introduction of the DACP scheme on 23.10.2009 were to be given parity in pension based upon the pay band of Professors, who were elevated as Chief Civil Surgeon under the DACP Scheme. The said Government Order had treated the Professors/Medical Officers working under the Medical Department on par with the Professors working under the Education Department, who did not have the similar benefit of Career Advancement Scheme, as they had superannuated prior to introduction of such scheme.

23) Under the impugned Government Order, the said benefit had been cancelled envisaging the following reasons:-

> a) That the Government Order in G.O.Ms.No.354, dated 23.10.2009, is prospective and it had been wrongly applied retrospectively under G.O.Ms.No.236;
>
> b) It is in contravention of the Pension Rules where a retired employee is only entitled for pension based on the emoluments last drawn by them, as envisaged in the Tamil Nadu Pension Rules, 1948. As the beneficiaries have never hold the post of

Professors/Chief Civil Surgeon, which was newly created post cannot be benefited with calculating the pension on a post which they have not held;

c) Even as per the DACP Scheme, a financial burden of Rs. 118.6 crores per annum was envisaged, but however on implementation of Government Order in G.O.Ms.No.236, it would cause the exchequer a sum of Rs.300 crores per annum and would be increasing every year;

d) Changed circumstances in view of the implementation of the various welfare schemes in public interest had also drawn the Government to revisit the said order.

24) In this background, this Court shall now dwell upon the law with regard to Pension on the issue.

25) Article 366 of Sub-Clause (17) of the Constitution of India defines 'Pension' which is as follows:-

> *"pension" means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of any person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund;*

26) The Tamil Nadu Pension Rules 1948, governs the grant of Pension for the employees and other institutions indicated therein on various terms.

27) A Constitutional Bench of the Hon'ble Apex Court had dealt with the issue of Pension extensively in a judgment in the case of ***D.S.Nakara & Ors., Vs. Union of India*** reported in ***(1983) 1 SCC 305.*** The Hon'ble Apex Court in the aforesaid Constitutional Bench judgment had considered the effect of granting of Pension and summed it up to be not only a compensation for loyal services rendered, but is also a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to the aging process. For better appreciation, the relevant

paragraphs are extracted hereunder:-

> ***26.*** *Let us therefore examine what are the goals that pension scheme seeks to subserve? A pension scheme consistent with available resources must provide that the pensioner would be able to live: (i) free from want, with decency, independence and self-respect, and (ii) at a standard equivalent at the pre-retirement level. This approach may merit the criticism that if a developing country like India cannot provide an employee while rendering service a living wage, how can one be assured of it in retirement? This can be aptly illustrated by a small illustration. A man with a broken arm asked his doctor whether he will be able to play the piano after the cast is removed. When assured that he will, the patient replied, "that is funny, I could not before". It appears that determining the minimum amount required for living decently is difficult, selecting the percentage representing the proper ratio between earnings and the retirement income is harder. But it is imperative to note that as self-sufficiency declines the need for his attendance or institutional care grows. Many are literally surviving now than in the past. We owe it to them and ourselves that they live, not merely exist. The philosophy prevailing in a given society at various stages of its development profoundly influences its social objectives. These objectives are in turn a*

determinant of a social policy. The law is one of the chief instruments whereby the social policies are implemented and

> *"pension is paid according to rules which can be said to provide social security law by which it is meant those legal mechanisms primarily concerned to ensure the provision for the individual of a cash income adequate, when taken along with the benefits in kind provided by other social services (such as free medical aid) to ensure for him a culturally acceptable minimum standard of living when the normal means of doing so failed". (See Social Security Law by Prof. Harry Calvert, p. 1)*

***27.** Viewed in the light of the present day notions pension is a term applied to periodic money payments to a person who retires at a certain age considered age of disability; payments usually continue for the rest of the natural life of the recipient. The reasons underlying the grant of pension vary from country to country and from scheme to scheme. But broadly stated they are (i) as compensation to former members of the Armed Forces or their dependents for old age, disability, or death (usually from service causes), (ii) as old age retirement or disability benefits for civilian employees, and (iii) as social security payments for the aged, disabled, or deceased citizens made in accordance with the rules governing social service programmes of the country. Pensions* *under the first head are of great antiquity. Under the second head they have been in force in one form or another in some countries for over a century but those coming under the third head are relatively of recent origin, though they are of the greatest magnitude. There are other views about pensions such as charity, paternalism, deferred pay, rewards for service rendered, or as a means of promoting general welfare (see Encyclopaedia Britannica, Vol. 17, p. 575). But these views have become otiose.*

***28.** Pensions to civil employees of the Government and the defence personnel as administered in India appear to be a compensation for service rendered in the past. However, as held in Douge v. Board of Education [302 US 74 : 83 L Ed 57] a pension is closely akin to wages in that it consists of payment provided by an employer, is paid in consideration of past service and serves the purpose of helping the recipient meet the expenses of living. This appears to be the nearest to our approach to pension with the added qualification that it should ordinarily ensure freedom from undeserved want.*

***29.** Summing up it can be said with confidence that pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding* *to aging process and, therefore, one is required to fall back on savings. One such saving in kind is when you give your best in the hey-day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowance or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. Thus the pension payable to a government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation or for service rendered. In one sentence one can say that the most practical raison d'etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon.*

30. *The discernible purpose thus underlying pension scheme or a statute introducing the pension scheme must inform interpretative process and accordingly it should receive a liberal construction and the courts may not so interpret such statute as to render them inane (see American Jurisprudence, 2d, 881).*

31. *From the discussion three things emerge: (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 Rules which are statutory in character because* *they are enacted in exercise of powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution; (ii) that the pension is not an ex gratia payment but it is a payment for the past service rendered; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the hey-day of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in lurch. It must also be noticed that the quantum of pension is a certain percentage correlated to the average emoluments drawn during last three years of service reduced to 10 months under liberalised pension scheme. Its payment is dependent upon an additional condition of impeccable behaviour even subsequent to retirement, that is, since the cessation of the contract of service and that it can be reduced or withdrawn as a disciplinary measure.*

28. It is also to be further noted that the Hon'ble Apex Court had held that the pensioners in general would form a homogeneous class and any discrimination would amount to violation of Articles 14 & 16 of the Constitution of India. A similar view was taken by the Hon'ble Apex Court in the judgment reported in ***(2022) 7 SCC 323***, in the case of ***Ex-Servicemen Movement Vs***

Union of India when the issue of one rank one pension in Armed Force was dealt with.

29. In a judgment of Hon'ble Apex Court in the case of ***Union of India Vs. P.N.Menon & Ors.,*** reported in ***(1994) 4 SCC 68***, also relied upon by the learned Additional Advocate General, the Hon'ble Apex Court having considered the various judgments had held that there can be no arbitrariness in having a cut off date with regard to the pensionary benefits.

30. In a judgment of Hon'ble Apex Court in the case of ***Chairman Railway Board & Ors., Vs. C.R.Rangadhamaiah & Ors.,*** reported in ***(1997) 6 SCC 623,*** also been relied upon by the learned Additional Advocate General, the Hon'ble Apex Court had held that pension that had been admissible under the Rules in force at the time of retirement could not be retrospectively reduced, and in coming to such a conclusion the Hon'ble Apex Court had held that a vested right granted to an employee cannot be withdrawn, which would have a retrospective effect. For better appreciation, the relevant paragraphs are extracted hereunder:-

24. In many of these decisions the expressions "vested *rights" or "accrued rights" have been used while striking down the impugned provisions which had been given retrospective operation so as to have an adverse effect in the matter of promotion, seniority, substantive appointment, etc., of the employees. The said expressions have been used in the context of a right flowing under the relevant rule which was sought to be altered with effect from an anterior date and thereby taking away the benefits available under the rule in force at that time. It has been held that such an amendment having retrospective operation which has the effect of taking away a benefit already available to the employee under the existing rule is arbitrary, discriminatory and violative of the rights guaranteed under Articles 14 and 16 of the Constitution. We are unable to hold that these decisions are not in consonance with the decisions in Roshan Lal Tandon [AIR 1967 SC 1889 , B.S. Vedera [AIR 1969 SC 118 : and Raman Lal Keshav Lal Soni [(1983) 2 SCC 33].*

34. *The learned Additional Solicitor General has, however, submitted that the impugned amendments cannot be regarded as arbitrary for the reason that by the reduction of the maximum limit in respect of running allowance from 75% to 45% for the period 1-1-1973 to 31-3-1974 and to 55% from*

1-4-1979 onwards, the total amount of pension payable to the employees has not been reduced. The submission of the learned Additional Solicitor General is that since the pay scales had been revised under the 1973 Rules with effect from 1-1-1973, the maximum limit of 45% or 55% of the running allowance will have to be calculated on the basis of the revised pay scales while earlier the maximum limit of 75% of running allowance was being calculated on the basis of unrevised pay scales and, therefore, it cannot be said that there has been any reduction in the amount of pension payable to the respondents as a result of the impugned amendments in Rule 2544 and it cannot be said that their rights have been prejudicially affected in any manner. We are unable to agree. As indicated earlier, Rule 2301 of the Indian Railway Establishment Code prescribes in express terms that a pensionable railway servant's claim to pension is regulated by the rules in force at the time when he resigns or is discharged from the service of the Government. The respondents who retired after 1-1-1973 but before 5-12-1988 were, therefore, entitled to have their pension computed on the basis of Rule 2544 as it stood on the date of their retirement. Under Rule 2544, as it stood prior to amendment by the impugned notifications, pension was required to be computed by taking *into account the revised pay scales as per the 1973 Rules and the average emoluments were required to be calculated on the basis of the maximum limit of running allowance at 75% of the other emoluments, including the pay as per the revised pay scales under the 1973 Rules. Merely because the respondents were not paid their pension on that basis in view of the orders of the Railway Board dated 21-1-1974, 22-3-1976 and 23-6-1976, would not mean that the pension payable to them was not required to be computed in accordance with Rule 2544 as it stood on the date of their retirement. Once it is held that pension payable to such employees had to be computed in accordance with Rule 2544 as it stood on the date of their retirement, it is obvious that as a result of the amendments which have been introduced in Rule 2544 by the impugned notifications dated 5-12-1988 the pension that would be payable would be less than the amount that would have been payable as per Rule 2544 as it stood on the date of retirement. The Full Bench of the Tribunal has, in our opinion, rightly taken the view that the amendments that were made in Rule 2544 by the impugned notifications dated 5-12-1988, to the extent the said amendments have been given retrospective effect so as to reduce the maximum limit from 75% to 45% in respect of the period from 1-1-1973 to 31-3-1979 and* *reduce it to 55% in respect of the period from 1-4-1979, are unreasonable and arbitrary and are violative of the rights guaranteed under Articles 14 and 16 of the Constitution.*

31. In a judgment of the Hon'ble Apex Court in the case of ***Hari Ram Gupta vs. State of U.P.,*** reported in ***(1998) 6 SCC 328,*** also been relied upon by the learned Additional Advocate General, the Hon'ble Apex Court had held that an employee who had superannuated prior to coming to the new scheme cannot seek the benefit of the new scheme and he would only be governed under the old scheme, as the Rules do not have retrospective operation.

32. In ***All Manipur Pensioners Assocation vs. State of Manipur & Ors.,*** reported in ***(2020) 14 SCC 625,*** the Hon'ble Apex Court finding that there has been no nexus for the classification that was made in the facts of the said case applying the principles laid down by the Constitutional Bench judgment in the case of ***D.S.Nakara & Ors., vs. Union of India*** reported in ***(1983) 1 SCC 305***., had held that the employees superannuated prior to 1996 would be entitled to revision of pension on par with the pensioners who retired after 1996.

33. In the light of the aforesaid judgments, this Court proceeds to analysis the application of the same to the facts of the present case.

34. As noted above,

a) the benefit of pay scale of a Professor, who was entitled to be elevated as Chief Civil Surgeon in pursuance of G.O.Ms.No.354, dated 23.10.2009, was extended to the Professors Medical Officers, who had superannuated prior to 23.10.2009 i.e., the date of issue of G.O.Ms.No.354.

b) the said decision had been consciously taken by the Government with reference to an earlier Government Order in G.O.Ms.No.106, Higher Education Department, dated 14.05.2015, where similarly placed Professors in the Education Department who had superannuated prior to 1996 were given revision of pay based upon the implementation of a Career Advancement Scheme, which had benefited the Professors, who have been working on and from 01.01.1986 with a higher pay scale.

35. Therefore, the reasons that had been assigned shall now be analysed:

(i) that the violation of the Tamil Nadu Pension Rules in relation with revising the Pension beyond the emoluments that they received would itself have to fall. As if such measure is sought to be taken by the Government, then the same should also be equally applied to similarly placed persons. The Hon'ble Apex Court in the aforesaid judgments had clearly held that the State do not have an authority to carve out a class of Pensioners, who are similarly placed to deny the benefit, as it would be violation of Articles 14 & 16 of the Constitution.

(ii) There has been a clear misconception under the Government Order that there has been a retrospective application of Government Order in G.O.Ms.No.354. It is to be noted that the Government Order in G.O.Ms.No.236, did not give any retrospective benefits to the persons, who have retired prior to 23.10.2009 by treating them to be eligible for grant of DACP Scheme or the monetary benefits that had arisen under the same. All the Government had done is to have a parity at least in the receipt of Pension from a prospective date, which would fall within the measure of socio-economic justice to secure the economy in the fall of life to the ageing process, as held by the Constitutional Bench of the Hon'ble Apex Court in the judgment reported in ***(1983) 1 SCC 305***, which had been extracted supra (paragraph 29).

(iii)Now coming to the understanding of the financial implication, it is to be noted that the financial implication that was envisaged in G.O.Ms.NO.354 was only with regard to financial burden that the Government would have incurred in implementing the DACP scheme. It is only under the Government Order in G.O.Ms.No.236, the Government wanted to extend the benefit which had been given to Professors working under the Higher Education Department to also a Professor working under the Medical Department, as it was found that there has been a disparity which would amount to violation of Article 14 of the Constitution of India.

(iv) The claim of the respondents is that the benefit had only been withdrawn prospectively. It is to be noted that the Hon'ble Apex Court in the judgment reported in 1997 (6) SCC 623 had held that any withdrawal of pensionary benefits given earlier is unconstitutional. The attempt made to contend that the withdrawal is only prospective is wholly ill-founded. The Hon'ble Apex Court had categorically held that such benefits that had been earlier given creates an accrued vested rights in the pensioners and that such withdrawal cannot be made. The same is supported by the Constitutional Bench Judgment of the Hon'ble Apex Court in Nakara's case which I have extracted supra.

(v)(a) The next reason which had been given by the Government is very surprising. Even though they had given the aforesaid reasons, which has been answered by this Court in the preceding sub. Paras, the Government under the impugned order also has taken into consideration, the changed circumstances in view of the implementation of the various welfare schemes in public interest to revisit G.O.(Ms).No.236. For better appreciation, the relevant paragraph of the said impugned order is extracted hereunder:-

"16. The Hon'ble Apex Court in Commander, Head Quarter Vs. Capt. Biplabendra Chanda [(1997) 1 SCC 208], has held that distinguishing Nakara's case, the respondent cannot be retrospectively made eligible under the new rules, it is also held that pensioners under the old rules and pensioners under the new rules are not similarly situated and each set of retiring employees will be governed by their own rules in force when they retired.

"17.The Government after careful consideration and due to changed circumstances, in view of implementation of various welfare schemes in public interest, it is utmost necessary to re-visit the said orders. *Accordingly, after considering various aspects, Government direct that the orders issued in the reference eighth read above is hereby cancelled with prospective effect and the Enhanced Pension/ Family Pension drawn by Medical Officers/ their family members by virtue of the above said Government Order will be restroed to the rates admissible prior to the issue of the above Government Order. The enhanced Pension/ Family Pension already drawn till the issue of orders will be waived and no recovery will be effected. In respect of type II/ III cases, necessary orders shall be issued on the lines of the orders passed in this Government Order."*

b) From the thorough reading of the aforesaid judgments of the Hon'ble Apex Court, a clear law had been laid down holding that the pension is not a bounty, it is well protected under Article 300A of the Constitution, such rights that had been benefited cannot be withdrawn without authority of law as mandated under Article 300A and such vested right accrued to an employee cannot be taken away citing non availability of the resources.

c) In a judgment in the case of ***State of Jharkhand & Ors., vs. Jitendra Kumar Srivastava & Anr.,*** reported in ***(2013) 12 SCC 210***, the Hon'ble Supreme Court had held that the pensionary benefits is akin to a property right governed under Article 300A of the Constitution of India. For better appreciation, the relevant paragraphs are extracted hereunder:-

> ***"...15.*** *In State of W.B. v. Haresh C. Banerjee [(2006) 7 SCC 651 : 2006 SCC (L&S) 1719] this Court recognised that even when, after the repeal of Article 19(1)(f) and Article 31(1) of the Constitution vide Constitution (Forty-fourth Amendment) Act, 1978 w.e.f. 20-6-1979, the right to property no longer remained a*

fundamental right, it was still a constitutional right, as provided in Article 300-A of the Constitution. Right to receive pension was treated as right to property. Otherwise, challenge in that case was to the vires of Rule 10(1) of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 which conferred the right upon the Governor to withhold or withdraw a pension or any part thereof under certain circumstances and the said challenge was repelled by this Court.

16. *The fact remains that there is an imprimatur to the legal principle that the right to receive pension is recognised as a right in "property". Article 300-A of the Constitution of India reads as under:*

*"**300-A.Persons not to be deprived of property save by authority of law**.—No person shall be deprived of his property save by authority of law."*

Once we proceed on that premise, the answer to the question posed by us in the beginning of this judgment becomes too obvious. A person cannot be deprived of this pension without the authority of law, which is the constitutional mandate enshrined in Article 300-A of the Constitution. It follows that attempt of the appellant to take away a part of pension or gratuity or even leave encashment without any statutory provision and under the umbrage of administrative instruction cannot be countenanced.

> ***17.*** *It hardly needs to be emphasised that the executive instructions are not having statutory character and, therefore, cannot be termed as "law" within the meaning of the aforesaid Article 300-A. On the basis of such a circular, which is not having force of law, the appellant cannot withhold even a part of pension or gratuity. As we noticed above, so far as statutory Rules are concerned, there is no provision for withholding pension or gratuity in the given situation. Had there been any such provision in these Rules, the position would have been different..."*

d) The judgment in the case of ***Punjab State Cooperative Agricultural Development Bank Ltd., vs. Registrar Cooperative Societies & Ors.,*** reported in ***(2022) 4 SCC 363*** the Hon'ble Apex Court had held that it is the employer to make available to the resources to fulfil the rights of its employees particularly in protecting the vested right that had accrued in their favour. For better appreciation, the relevant paragraphs are extracted hereunder:-

> ***57.*** *In our view, non-availability of financial resources would not be a defence available to the appellant Bank in taking away the vested rights accrued to the employees that too when it is for their socio-economic security. It is an assurance that in their*

old age, their periodical payment towards pension shall remain assured. The pension which is being paid to them is not a bounty and it is for the appellant to divert the resources from where the funds can be made available to fulfil the rights of the employees in protecting the vested rights accrued in their favour.

58. *So far as the submission made by the serving employees is concerned, they have no locus to question. At the same time, their apprehension as being projected to this Court is completely misplaced for the reason that employer/employees contribution is being provided under the Employees Pension Scheme (EPS) of the 1952 Act which is made applicable to the serving employees and they are entitled to get pension in terms of the provisions of the 1952 Act. So far as their complaint regarding payment of contribution is concerned, it is in no manner going to be adjusted for payment of pension to retirees/respondents, who are entitled to get their pension in terms of the pension scheme of which they are members and it is for the appellant Bank to reserve the resources and make payment to the retired employees seeking pension to the scheme in vogue when they became members and took benefits pursuant thereto.*

e) The intent of withdrawal/cancellation is only to see that the resources spend on grant of revised pension to the Professors/Medical Officers working in the Medical Department to be utilized by the Government for beneficiaries of other welfare schemes that were introduced by the Government. As noted by this Court in a judgment in the case of ***Punjab State Cooperative Agricultural Development Bank Ltd., vs. Registrar Cooperative Societies & Ors.,*** reported in ***(2022) 4 SCC 363***, it is for the Government to find resources to benefit its citizen under the new beneficial scheme introduced by it and it cannot rob the pensioners who had been vested with an accrued right for an enhanced pensions by way of revision on parity with similarly placed persons working in the Education Department.

36. For the aforesaid reasons, this Court finds force of the claim made by the petitioners and as a sequel the impugned Government Order made in G.O.(Ms).No.30, Finance (PC-2) Department dated 05.02.2025 and the consequential order of the 3rd respondent issued in Ref.No.050669/A3(1)/2025 dated 19/02/2025 are set aside and accordingly, the Writ Petitions stand allowed and thereby, WMP.(MD).Nos.11241, 11421 & 11366 of 2025 are dismissed. However,

there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Contempt Petition No.2542 of 2025

37. A contempt petition had also been initiated by the petitioner in W.P.(MD).No.9074 of 2025, complaining violation of the interim orders granted by this Court on the contemnors failure to pay the revised pension. The order of which violation complained off had been made by this Court on 02.04.2025. It is very unfortunate that the respondents have no regards or respect whatsoever of the orders passed by this Court. It is not known as to why when an order of interim stay had been granted protecting the payment of pension prior to the impugned orders was made, there was a refusal by the respondents in respecting the order and continuing to pay the pensionary benefits that were paid prior to the impugned order in the Writ Petition. Filing of the application to vacate the stay cannot be a ground to violate the order, without any modification of the same. The order is modified or vacated it is the duty to respect the orders passed by this Court.

38. Be that as it may, now that the Court after considering the arguments on either side had dealt with in detail and held that the impugned order had been made in flagrant violation of Articles 14 & 16 of the Constitution of India. With the hope that the respondents would comply in continuing to pay the pensioners and their family as per the revised enhanced pension without precipitating the contempt, to give a chance to the contemnors to comply with the orders, the Contempt Petition stands closed.

16.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Pbn/ Gba

To:

1.The Principal Secretary to Government,
Finance (PC-2) Department,
Secretariat, Fort St. George, Chennai – 600 009.

2.The Principal Secretary,
Health & Family Welfare Department,
Secretariat, Fort St. George, Chennai – 600 009.

3.The Director of Medical Education and Research Department,
Kilpauk Chennai – 600 010.

4.The Director of Medical and Rural Services,
No.359-361, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.

5.The Director of Medical and Rural Services (ESI),
No.359-361, DMS Campus,
Anna Salai, Teynampet,
Chennai – 600 006.

6.The Director,
Public Health and Preventive Medicine,
No.359, Anna Salai,
DMS Campus, Teynampet,
Chennai – 600 006.

7.The Director of Treasuries and Accounts,
3rd Floor, Perasirayar K.Anbazhagan Maligai,
571, Anna Salai, Nanthanam, Chennai.

K.KUMARESH BABU, J.

Gba

PRE-DELIVERY ORDER
IN
W.P.(MD) Nos.32007, 9361, 9074, 9269 & 9757 of 2025
and Contempt Petition(MD) No.2542 of 2025
and W.M.P.(MD) Nos. 7003, 7001, 7279,
11241, 11421, 11366, 6999, 6932, 6930,
6929, 6816, 6815, 7278, 25200, 6814, 25199
& 7276 of 2025

16.12.2025