



WEB COPY

WA No. 91 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

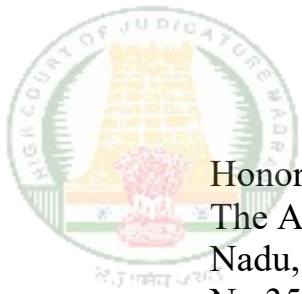
THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 91 of 2026

&

CMP NO. 780 OF 2026

1. The Secretary To Government
Health and Family Welfare Department,
Senior Vice Chairman,
The Anti Tuberculosis Association of Tamil
Nadu,
Fort St. George,
Secretariat,
Chennai 9.
2. The Director Of Medical And Rural Services
Vice Chairman,
The Anti Tuberculosis Association of Tamil
Nadu,
359-361, Anna Salai,
DMS Campus, III Floor,
Teynampet,
Chennai 6
3. The Director Of Public Health And Preventive
Medicine
Ex Officio Member,
The Anti Tuberculosis Association of Tamil
Nadu,
359-361, Anna Salai,
DMS Campus, III Floor,
Teynampet,
Chennai 6
4. The Additional Director Of Medical And Rural
Health Services TB/State TB Officer



Honorary Secretary,
The Anti Tuberculosis Association of Tamil
Nadu,
No.359 Anna Salai,
DMS Campus, Block III,
2nd Floor,
Teynampet,
Chennai 6.

..Appellant(s)

Vs

R. Suseela
W/o.B.Karthikeyan,
Old No. 36, Parthasarathy Pettai St,
Vellala Teynampet,
Chennai 86.

..Respondent(s)

Prayer: Writ Appeal filed under clause 15 of the Letters patent to set aside the order made in W.P.No.13877 of 2024 dated 14.08.2025 and allow the Writ Appeal.

For Appellant : Ms. Dakshayani Reddy,
Senior Counsel for
Mr.T.K.Saravanan,
Addl. Govt. Pleader

For Respondent : Mr. J. Jayamalan

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

The Respondent/Writ Petitioner was appointed at the Appellant Society i.e., Association called Anti TB Association of Tamil Nadu under Rule 12(c) of the Rules of the Association as Junior Assistant cum Typist by the



appointment order issued by the Honorary Secretary of the Association, dated 28.07.1999. She has completed her probation on 28.07.2001 and she had been continuously working.

2. Initially, the superannuation age of the employees of the Association since, was on par with the Government employees, i.e., 58 years. Subsequently, the Government, by two Government Orders in G.O.Ms.No.51, P&AR Department, dated 07.05.2020 and G.O.Ms.29, PR&AR Department, dated 25.02.2021, extended the superannuation age to 59 years and 60 years respectively. Therefore, all the Government servants since are getting the superannuation age up to 60 years, that period is extendable to the Employees Association also including the present Writ Petitioner/Respondent and therefore, she is entitled to continue to work till she attains the superannuation on 31.08.2025, was the contention of her.

3. However, on 01.04.2024, an order has been passed by the 4th appellant, whereby, it has been declared that by 31.03.2024, the Writ Petitioner/Respondent is retiring from service, as she already crossed the superannuation age, thereby, the extended period of superannuation up to 60 years, i.e., up to 31.08.2025 since has been denied to the Writ Petitioner, she approached the Writ Court, challenging the said order dated 01.04.2024 and for a consequential relief.



4. The learned Writ Court, having considered the factual matrix, especially, in the context of the superannuation age having been extended to 60 years by two Government Orders, as stated supra, the same benefit is extendable to all employees of the Association also, for which, a resolution should have been passed by the Executive Committee. Merely, because the Executive Committee had not passed any resolution, as they did not have a meeting in time, such a benefit cannot be denied to the Writ Petitioner. Therefore, on that ground, the learned Judge, allowed the said Writ Petition through the impugned order dated 14.08.2025.

5. Though the said order was passed on 14.08.2025, when the order was made ready and served on the appellants, who are the respondents in the writ petition, by the time, even the extended period of 60 years was over, she had to superannuate even as per the extended period of 60 years as early as on 31.08.2025, but the fact remains that from 01.04.2024 till 31.08.2025, the respondent/ petitioner had not worked with the Appellant Association.

6. When that being the position, since the writ petition has been allowed, thereby, up to 31.08.2024, the respondent can be permitted to work, however, the period since was over, before the Writ Court order is passed or the Writ

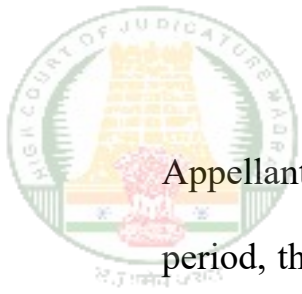


Court order is taken up for implementation, the respondent/writ petitioner had no service period to complete and hence, during the period from 01.04.2024 and 31.08.2025, since she was out of service, as she not worked, she is not entitled to get the service benefits. Mainly, the salary was the main issue raised by the appellants herein in the appeal.

7. Heard Ms. Dakshayani Reddy, learned Senior Counsel appearing on behalf of Mr.T.K.Saravanan, learned Addl. Govt. Pleader appearing for the Appellants and Mr.J. Jayamalan, learned counsel appearing for the Respondent/WritPetitioner.

8. The principle to extend the superannuation period up to 60 years as has been extended to the Government servants in the State of Tamil Nadu by two successive Government Orders, as referred to above is an acceptable principle and to that extent, the view taken by the learned Judge for extending the period of superannuation of the writ petitioner also up to 60 years, cannot be found fault with and therefore to that extent, the order passed by the writ Court is to be accepted. However, the next question would be as to what kind of benefit that can be provided to the Writ Petitioner during the period between 01.04.2024 and 31.08.2025 is the only question to be answered.

9. As has been pointed out by the learned Senior counsel appearing for the



Appellants, admittedly, the writ petitioner has not worked during the said period, therefore, since it is not a pensionable service, on the basis of the last drawn wages, the pension is not going to be calculated. Hence the period, where she was not in service, i.e., from 01.04.2024 till 31.08.2025, by adopting the principle of '*no work, no pay*', the salary cannot be granted to the Writ petitioner was the stand taken by the Appellants which appears to be acceptable. The reason being that, if the Court directs the Appellants to pay the salary as the Appellants only being the Society and it is a self financing Society and it is not part of the Government, where there has been no grant, it is very difficult for them to cope up with the financial requirements to pay the salary for the whole period from 01.04.2024 to 31.08.2025, as during this period, not even a single day, the Writ Petitioner has worked. Therefore, We accept that of the plea raised by the Appellant/Society.

10. But at the same time, on 31.03.2024, if the Writ Petitioner was directed to be superannuated and retire from service and if that was the stand taken by the Appellant/Society, immediately, the retiral benefits payable to the Writ Petitioner ought to have been calculated and paid within the maximum period of 60 days. However, admittedly, even till date, the retiral benefits which has not been paid to the Writ Petitioner, We deem it appropriate to direct the appellant to pay such retiral benefits in toto, i.e., full payment with 6% interest from the date of due i.e., 60 days from the date of original retirement



i.e., on 31.03.2024 to till date by calculating the entire period of delayed payment and pay the same with interest of 6% . That would be the only solace we could extend to the Writ Petitioner since she is loosing the salary for the period from 01.04.2024 till 31.08.2025.

11. In that view of the matter, this Writ Appeal is disposed of with the following orders.

12. That there shall be a direction to the appellant to disburse the retiral benefits to the respondent/writ petitioner forthwith by calculating 6 % interest from the date of completion of two months period from 31.03.2024 till the date of payment.

13. Such a retiral benefits with 6% interest being calculated shall be paid within a maximum period of 30 days from the date of receipt of copy of this order, failing which, it shall carry the further interest of 6% totalling 12 % interest.

14. In so far as the principle that the superannuation period is extendable to the employees of the appellant association up to 60 years is concerned, We agree and affirm the view taken by the Writ Court through the impugned order.



By adopting the theory of '*no work, no pay*', the salary for the period from 01.04.2024 till 31.08.2025 can be denied to the respondent/writ petitioner. To that extent, the order impugned passed by the Writ Court is modified.

15. With these observations, the Writ Appeal is accordingly ordered. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16. It is made clear that now the superannuation period is extended upto 60 years and by thus, the writ petitioner would be retiring otherwise only on 31.08.2025. Till such date, one year increment be calculated and that can also be added in the total salary payable to her .

[R.S.K.,J.]

[S.S.A.,J.]

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr



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**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

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