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High Court order to benefit retired government medical officers

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Government medical officers, who retired prior to October 23, 2009, will benefit from a Madras High Court order as they will get pension on a par with similarly placed doctors who retired subsequent to the date of the government order.

The court did not agree with the government's argument that if its order is implemented, it would incur heavy expenditure.

The benefit could not be given only to a particular group of medical officers and denied to another similar group on the ground that heavy expenditure was involved.

This would violate Art.14 of the Constitution (Equality before law), the court said.

Justice S. Tamilvanan was allowing a writ petition filed by the Tamil Nadu Government Retired Medical Officers Association, Madurai district, by its president, T.Rajagopal, seeking a direction to the authorities to pay the revised pension to the members as per a Health Department G.O of October 23, 2009.

They also sought payment of arrears pursuant to the revised pension.

The Judge made it clear that so far as other retired medical officers of the State government were concerned, they are also entitled to get their pension on a par with similarly placed officers who retired subsequent to the date of G.O. The petitioner's counsel said the association members were paid only a meagre pension.

The government submitted that the petitioners were not entitled to seek pension as per the fresh G.O. as it was a policy decision.

Mr. Justice Tamilvanan did not accept the government's argument that the petitioner and other retired Professors, who had served in the Directorate of Medical Education, constituted a different class.

In this regard, lifting the veil of nomenclature and segment would clearly show that prior to and subsequent to the G.O. date, there was no change in their qualification, as per the Indian Medical Council's guidelines.

Both were the same class of medical officers.

Therefore, for all purposes the petitioners and other Professors, who retired prior to October 23, 2009, were in the same footing as that of professors in the DME who retired after that date. Hence, the unreasonable classification was violative of Art.14. Rejection of the reasonable demand of the petitioners and other retired members of the association had created only an unreasonable disparity in payment of pension to similarly placed persons.

The court also allowed Dr. Rajagopal's petition seeking a direction to the authorities to pay him the revised pension as per the G.O. based on the pay scale of a Chief Civil Surgeon.

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- ***Those who retired prior to October 23, 2009 will get pension***
 - ***Will be paid on par with similarly placed doctors who retired subsequent to the date of the GO***
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