

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28770/2015 & MP.No.1/2015

N.Babu

.. Petitioner

Versus

1.The Commissioner and Secretary
Health and Family Welfare Department
Fort St George, Chennai 600 009.

2.The Director of Medical Education,
Kilpauk, Chennai 600 010.

3.The Dean
Government Stanley Hospital
Chennai 600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to dispose of the petitioner's representation dated 07.08.2015 to consider the petitioner to be promoted as Assistant Executive Engineer [Mechanical] and to grant pension as of the rank of Assistant Executive Engineer [Mechanical] retrospectively from 11.04.1989 and to pay the upgraded pension, terminal benefits with interest.

For Petitioner : Mr.David Tyagaraj

For Respondents : Mr.V.Subbiah, Spl.GP

सत्यमेव जयते
O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner was repeatedly corresponding with the respondents to upgrade his post from Junior Engineer [Mechanical] to that of Assistant Executive Engineer [Mechanical] as he was the seniormost Junior Engineer [Mechanical] from and out of 25 Junior Engineers and on the verge of retirement, he has been issued with a charge memo and challenging the same, he filed WP.No.3251/2009 and vide order dated 01.04.2009, this Court has allowed the writ petition and thereby quashed the charge memo with a further direction, directing the respondents therein to pass appropriate orders allowing

the petitioner to retire from service within a period of 3 months from the date of receipt of a copy of that order. The official respondents, aggrieved by the said order, filed WA.No.1291/2010 and vide Judgment dated 05.07.2010, the appeal was also dismissed, confirming the order passed in the writ petition. The petitioner was allowed to retire on superannuation on 31.12.2002, subject to the pendency of the disciplinary proceedings and got the said relief in the light of the above said order. The grievance now expressed by the petitioner is that since all the proceedings pending against him have been quashed, he is entitled to get consequential benefits including the upgradation of the post from 1994 onwards. In this regard, the petitioner submitted a representation dated 15.10.2010 to the 1st respondent through the 2nd respondent and since it was not disposed of, he filed WP.No.5868/2011 and this Court vide order dated 07.03.2011, has directed the respondents to release the monetary benefits to the petitioner arising out of dropping of charges, including the terminal benefits within a period of eight weeks from the date of receipt of a copy of that order. However, the upgradation sought for by the petitioner has not been given. Therefore, he submitted a representation on 07.08.2015 to all the respondents and since no orders have been passed, he came forward to file this writ petition.

3 Heard the submissions of Mr.David Tyagaraj, learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

4 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents to consider and dispose of the petitioner's representation dated 07.08.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar (CO

/true copy/

Sub Asst. Registrar

To

1.The Commissioner and Secretary
Health and Family Welfare Department
Fort St George, Chennai 600 009.

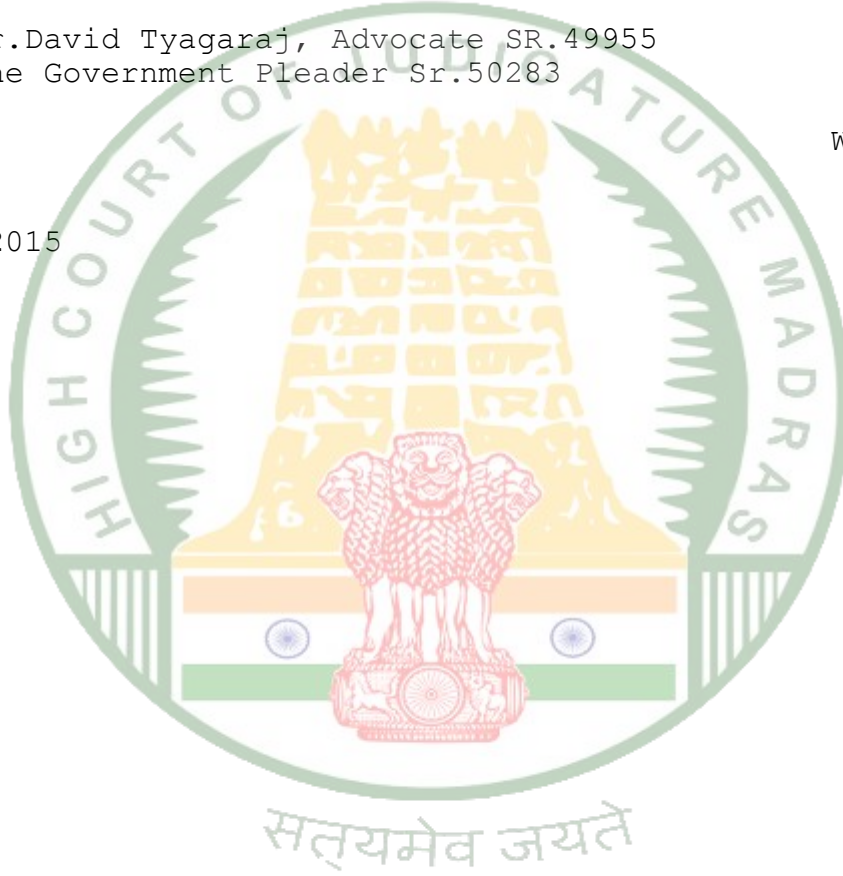
2.The Director of Medical Education,
Kilpauk, Chennai 600 010.

3.The Dean
Government Stanley Hospital
Chennai 600 001.

+lcc to Mr.David Tyagaraj, Advocate SR.49955
+lcc to The Government Pleader Sr.50283

W.P.No.28770/2015

mg[co]
srg 1.10.2015



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