

In the High Court of Judicature at Madras

Dated: 01.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31108 of 2015

R.Santha

.... Petitioner

Vs.

1. The Principal Secretary to Govt.,
Health and Family Welfare Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
2. The Special Commissioner cum
Commissioner of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106.
3. The District Siddha Medical Officer,
Dharmapuri, Dharmapuri District.
4. The Accountant General (A&E),
Teynampet, Chennai - 600 018.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct respondents 1 to 3 to pass appropriate orders fixing scale of pay at Rs.4,800-10,000 Grade pay Rs.1300 to the petitioner as per G.O.(2D) No.26, Health and Family Welfare IM-2(2) Department, dated 28.03.2013, with effect from 25.03.2008 and to pay the entire monetary benefits to the petitioner based on the said fixation of scale of pay; with a consequential direction to the 4th respondent to process the petitioner's pension proposal with the above said scale of pay, within a reasonable time.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.S.Gunaseakaran
Govt.Advocate- R1 to R3
Mr.V.Vijayashankar -R4

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner was appointed as Dispensary Servant on a consolidated pay in the vacancy at Government Rural Siddha Dispensary at Menasi in Dharmapuri District on 23.06.1988. On 27.07.2007, the petitioner has made a request to the second respondent to transfer and grant her the time scale of pay. Since the said representation was not disposed of, she has filed W.P.No.8214 of 2013 and vide final order dated 28.03.2013, this Court directed the second respondent herein to consider her representation and pass orders in accordance with law within a stipulated time. It is further stated by the petitioner that the first respondent has passed G.O.(2D) No.26, Health and Family Welfare IM-2(2) Department, dated 28.03.2013 brought the petitioner under regular time scale of pay as Hospital Servant in the permanent post, by fixing the scale of pay of Rs.4,800 - 10,000 Grade pay Rs.1300 by relaxing Rule 4(a) (Method of Appointment) and 5(1) (relating to age) of Special Rules for Tamil Nadu Basic Services.

3. The claim of the petitioner is that she is eligible and entitled to get time scale of pay of Rs.4,800 - 10,000 Grade Pay Rs.1300 from 25.03.2008 and for consequential monetary benefits. The petitioner has also attained the age of superannuation on 31.3.2013 and retired from service. With regard to the request made by the petitioner, the third respondent sent a letter dated 21.5.2013 to the second respondent seeking clarification as to the date on which the status of permanent post have been given to the petitioner and the third respondent, in turn, has sent the proposal to the fourth respondent on 15.12.2013. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel, who accepts notice for the fourth respondent.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, directs the third respondent to get the clarification as expeditiously as possible and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Govt.,
Health and Family Welfare Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
2. The Special Commissioner cum
Commissioner of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106.
3. The District Siddha Medical Officer,
Dharmapuri, Dharmapuri District.
4. The Accountant General (A&E),
Teynampet, Chennai - 600 018.

+1 cc to Mr.R.Neelakandan, Advocate (sr.53637)
+1 cc to Government Pleader (sr.53694)

सत्यमेव जयते

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cp 16/10/2015

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