

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34907 of 2015

T.Chandra

..Petitioner

-Vs-

- 1 The State of Tamil Nadu,
Rep by Secretary Health and Family Welfare
Department, Chennai - 600 009
- 2 The Director of Medical,
Education, Kilpauk,
Chennai - 600 010
- 3 The Superintendent
Government Royapettah Hospital, Royapettah
Chennai - 600 014

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pass orders on the petitioner's representation dt 12.8.2015 and follow up lawyers notice dt 10.9.2015 and release payment of arrears of salary due and payable to the petitioner as on date.

For Petitioner : Mr.P.B.Ramanujam

For Respondents: Mr.S.Gunasekaran
Government Advocate

O R D E R

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

2. The petitioner joined the services of Government Royapettah Hospital as a Lab Technician in the year 1971. He was promoted as Lab Technician Grade I in the year 1991 and took voluntary retirement service on 31.08.2005.

3. The petitioner on 18.11.2010, applied for revision of pay scale as per the then prevailing rules. Based on the request, the third respondent vide letter dated 16.03.2009 and 14.12.2011,

submitted necessary proposals to second respondent for revision of pay as per G.O.Ms.No.151, Personal & Administrative Reforms Department dated 20.03.1982. The second respondent inturn, forwarded the proposals to first respondent vide his letter dated 19.07.2012 recommending enhancement of pay up to Rs.1700 + PP 40 with effect from 02.07.1993 on par with his junior, namely, Tmt. M.Padmavathy. However, the petitioner is yet to receive the said amount. Petitioner right from the year 2010 submitted repeated representations as well as sent legal notice praying for the conferment of said benefits and since no orders have been passed, came forward to file this writ petition.

4. The learned counsel for the petitioner would submit that inspite of positive recommendation made by the second respondent, no orders have been passed so far. Hence, the petitioner, who is aged about 68 years is constrained to approach this Court.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents and would submit that the proposal sent by the first respondent is pending consideration and appropriate orders would be passed soon.

6. This Court considered the rival submissions and also perused the material records placed before it.

7. This Court is unable to comprehend as reasons for the delay on the part of first respondent sitting over the proposal right from the year 2012. It is also to be remembered at this juncture that the petitioner is at present aged about 68 years. A perusal of paragraph No. 3 of the affidavit would disclose that right from the year 2010, she was repeatedly making representations and also sent two lawyers notices dated 10.09.2015 and 12.08.2015 and inspite of it, the first respondent did not care to pass any orders.

8. In the light of the above facts and circumstances, this Court directs first respondent to consider and dispose of petitioner's representation dated 12.08.2015 on merits and in accordance with law after taking note of the recommendation of the second respondent dated 19.07.2012 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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9. This Writ Petition is disposed of accordingly. No costs.
kua

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary,
Health and Family Welfare Department,
Chennai - 600 009
- 2 The Director of Medical Education,
Kilpauk, Chennai - 600 010
- 3 The Superintendent
Government Royapettah Hospital, Royapettah
Chennai - 600 014.

+1 C.C. To MR.P.B.Ramanujam, Advocate in SR.NO.59454

+1 C.C. TO Government Pleader in SR.NO.59893

W.P.No.34907 of 2015

MP (CO)

sd : 23/11/2015

सत्यमेव जयते
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