

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Writ Petition No.25855 of 2012

and M.P.Nos.1 of 2012 and 1 of 2015

Dr.N.Devarajan

... Petitioner

vs.

1. The Government of Tamil Nadu,
rep. by Secretary to Government,
Rural Development Department,
Fort St. George, Chennai.
2. The Government of Tamil Nadu,
rep. by Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai.
3. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai.
4. The District Collector,
The Nilgiris District,
Ootacamund.
5. The Commissioner,
Panchayat Union, Gudalur.
6. The Director,
Local Fund Audit,
Kuralagam, Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to consider the representation of the petitioner herein dated 12.1.2012 and direct the respondents to extend the benefit of G.O.Ms.No.354, Health and Family Welfare Department (D-2 Department) dated 23.10.2009 to the petitioner and refix the pension of the petitioner on the basis of his last drawn salary of Rs.47,490/- in Pay Bank-4 at Rs.37,400-67,000+8,700 Grade Pay with effect from 23.10.2009.

For Petitioner : Mr.S.P.Sudalaiyandi
For Respondents : Mr.V.Subbiah,
Spl.Govt.Pleader,
for R.1 to R.4 and R.6
Mr.N.Sakthivel,
Govt. Advocate for R.5

ORDER

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

2. The petitioner after passing M.B.B.S. Degree in the year 1979, joined as Medical Officer at Bitherkad Panchayat Union Dispensary, Gudalur after 10.12.1981. After completing 30 years of service, he retired on superannuation on 31.7.2011. The petitioner would state that as per the recommendation of the VI Pay Commission, his pay was fixed in the time scale of pay at 15,600-39,100 with grade pay of Rs.7,600/- in Pay Band-3 and in terms of G.O.Ms.No.64, Rural Development and Panchayat Department dated 24.9.2007, the said benefit has been extended to Medical Officers serving in the Panchayat Union Rural Dispensaries also. The benefit of G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009 was also extended to the petitioner by granting promotion to the post of Chief Medical Officer in Pay Band-4 with effect from 23.10.2009. Subsequently, the Government issued G.O.Ms.No.583, Municipal Administration and Water Supply Department dated 26.11.2010 granting time bound promotion to all the Medical Officers, who were serving in the Panchayat Union Dispensaries and once again the Government reiterated the benefit of G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009 stating that the benefit would be extended to Medical Officers serving in the Local Bodies. The grievance expressed by the petitioner is that since he has put more than 20 years of rural service, he is entitled to the benefits of G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009 and in this regard, he has also submitted a representation dated 12.1.2012 followed by another representation dated 23.4.2012 to the respondents. But, no order was passed.

3. Learned counsel appearing for the petitioner would submit that the benefits of G.O.Ms.No.103, Rural Development and Panchayat Raj Department dated 17.7.2015 have been extended to one Dr.C.Athimuthu, Dr.S.Uthashankar, Dr.D.Karmegaraj and Dr.A.Sivasubramanian and their scale of pay was revised by taking into account G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009 and since the petitioner is similarly placed, he prays for appropriate orders.

4. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and 6 and Mr.N.Sakthivel, learned Government Advocate, who accepts notice on behalf of the fifth respondent.

5. This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the first respondent by enclosing a copy of this order as well as copies of his earlier representations and copies of G.O.Ms.No.354, Health and Family Welfare Department dated 23.10.2009 and G.O.Ms.No.103, Rural Development and Panchayat Raj Department dated 17.7.2015, within a period of two weeks from the date of receipt of a copy of this order. The first respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law, in the light of the above said Government Orders and pass appropriate orders within a period of eight weeks thereafter and communicate the decision taken by him to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

sbi

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Rural Development Department,
Fort St. George, Chennai.
2. The Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai.
3. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai.
4. The District Collector,
The Nilgiris District,
Ootacamund.

5. The Commissioner,
Panchayat Union, Gudalur.

6. The Director,
Local Fund Audit,
Kuralagam, Chennai.

+ 1 cc to Govt.Pleader, High Court, Madras SR 57610

+ 1 cc to Mr.SP.Sudalaiyandi, Advocate SR 57250

ca(co)
prk20/10

W.P.No.25855 of 2012



WEB COPY