

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :02.02.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No. 28213 of 2012

P.M. Subramaniam

...Petitioner

- Vs.-

1. The Director of Public Health and Preventive Medicine
Teynampet
Madras-600 006.
2. The Deputy Director of Health Service
Government Head Quarter Hospital Campus
Erode - 9.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 14.12.2010, 2.1.2012 and legal notice dated 3.2.2012 and pass order of re-fixation of pensionary benefits based on the advise of Accountant General dated 14.09.2011 in Ref.No.Legal Cell/RTI-419/2011-2012 and Letter No.46982/M.P.4./06-S3 based on illustration No.1 and that of information of the first respondent in Na.Ka.No.12956/PNO4/IRU1/2011, dated 28.02.2012 and consequently direct the second respondent to pass orders and revise the pensionary benefits and repay the amount which has been deducted from the petitioner's DCRG.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.P. Sanjay Gandhi
AGP

ORDER

It is the grievance of the petitioner that his pay was re-fixed arbitrarily without issuing notice to him and the same resulted in recovering a sum of Rs.52,597/- from the benefits payable to him during the time of his retirement. The petitioner submitted a representation dated 14.12.2010 followed by reminder dated 2 Jan 2012 requesting the second respondent to re-fix his pay scale and to refund the amount of Rs.52,957/-. The petitioner also sent a legal

notice dated 3 February 2012. Since there was no follow up action taken by the second respondent, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

3. The second respondent is directed to consider and dispose of the representation of the petitioner dated 14 December 2010 on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The petitioner is directed to forward a copy of the representation dated 14 December 2010 along with a copy of this order so as to enable the second respondent to dispose of the matter as expeditiously as possible.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Director of Public Health and Preventive Medicine
Teynampet
Madras-600 006.
2. The Deputy Director of Health Service
Government Head Quarter Hospital Campus
Erode - 9.

1 cc to Mr.A.R.Nixon ,Advocate, SR.No.5513
1 cc to Government Pleader,Sr.No2391

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mp(co)
pmk.23.2.2015