

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.1311 of 2016

Muthukrishnan Muniammal

.. Petitioner

Vs.

1. The Director of Medical Education,
Kilpauk,
Chennai-600 010.
2. The Dean,
Govt. General Hospital,
Chennai-600 003.
3. The Dean,
Madurai Medical College,
Madurai-625 020.
4. The Administrative Officer
(Finance & Accounts),
Govt. General Hospital,
Chennai-600 003.
5. The Dean,
Government Kilpauk Medical College,
Kilpauk,
Chennai-600 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to issue a fresh order for the stepping up of the petitioner's pay on par with her junior w.e.f. 01.01.1996 and to pay the arrears of pay with 18% interest immediately.

For Petitioner : M/s.Jayanthi Sekar
For Respondents : Mr.D.Suriya Narayanan,
Govt. Advocate

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to issue a fresh order for the stepping up of the petitioner's pay on par with her junior w.e.f. 01.01.1996 and to pay the arrears of pay with 18% interest immediately.

2. It is the case of the petitioner that she is working as Nursing Tutor, Grade-II in Government Kilpauk Medical College, Chennai. She states that there is an anomaly in her pay with reference to her junior Smt.J.Jayalakshmi with effect from 01.01.1996, which came to light when she was working as Nursing Tutor Grade-II in Madurai Medical College. It is further stated that proceedings in Ref.No.29507/N2/2006, dated 05.10.2007 were issued by the first respondent to step up and re-fix the petitioner's pay and allowances on par with her junior Smt.J.Jayalakshmi with effect from 01.01.1996 and to pay the arrears arising out of the stepping up. Subsequent to the said order of this first respondent, proceedings were issued by the third respondent-Dean, Madurai Medical College, vide No.357/E2/1/08, dated 21.04.2008 to carry out the above order. Thereafter, the third respondent has also written to the second respondent to forward her pay drawn particulars for the period from 01.01.1996 to 30.11.2000, vide Lr.No.Na.Ka.No.13967/Ka2/2/2008, dated 26.08.2008 for drawing the arrears amount due to the petitioner. It is the petitioner's grievance that neither her pay has been re-fixed, nor the arrears amount had been paid to her. When she enquired, it revealed that the second respondent had not forwarded the pay particulars for the period for which the petitioner worked under him, due to which, the third respondent was not able to fix the petitioner's pay right from the actual date of the anomaly, i.e. 01.01.1996 and pay the arrears amount due to her. The petitioner also made representation, dated 17.02.2009 to the fourth respondent and further representation, dated 03.08.2015 to the respondents 1 to 4. Since no action is taken, the petitioner has filed this Writ Petition for the relief stated supra.

3. When the Writ Petition is taken up for consideration, learned Government Advocate appearing for the respondents submitted that by proceedings, dated 17.10.2016 in Ref.No.29507/N/2/2006, the first respondent-Director of Medical Education has requested the third respondent-Dean, Madurai Medical College, Madurai, to revise the pay fixation of the petitioner from 01.01.1996 and also to make necessary entries of the same in the Service Register of the individual. Learned Government Advocate further submitted that by another proceedings in Ref.No.60129/N2/2015, dated 17.10.2016, the first respondent-Director of Medical Education has also requested the

fifth respondent-Dean, Government Kilpauk Medical College, Chennai to arrange to draw and disburse the incremental arrears due to stepping up of the petitioner's pay at the earliest.

4. In view of the above two proceedings issued by the first respondent, by recording the same, this Writ Petition is disposed of. The concerned respondent(s) is/are directed to take steps to re-fix the pay of the petitioner on par with her junior Smt.J.Jayalakshmi, and pay necessary arrears on account of re-fixation of pay, within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Director of Medical Education,
Kilpauk, Chennai-600 010.
2. The Dean,
Govt. General Hospital,
Chennai-600 003.
3. The Dean,
Madurai Medical College,
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4. The Administrative Officer (Finance & Accounts),
Govt. General Hospital,
Chennai-600 003.
5. The Dean,
Government Kilpauk Medical College,
Kilpauk,
Chennai-600 010.

+ 1 cc to M/s. Jayanthi Sekar, Advocate SR.61633
+ 1 cc to Government Pleader SR.61570

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RSI (CO)
EU 25.11.16