

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.21505 of 2016

V.Sundramoorthy

... Petitioner

-vs-

1.The Director of Medical Education,
Chennai - 600 010.

2.The Dean,
Government Tiruvannamalai
Medical College & Hospital,
Tiruvannamalai.

3.The Dean,
Government Vellore Medical
College & Hospital,
Vellore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant higher scale of pay by two stages to the petitioner from the date of his joining service i.e. 23.05.2012 FN in the post of Junior Assistant as per the proceeding of the third respondent herein vide his proceedings Ref.No.2385/E2/C/2013 dated 19.07.2013 and to sanction annual increments and disburse the consequential monetary benefits all within a limited time frame as deemed fit by this Court.

For Petitioner

:

Mr.A.Rajendiran

For Respondents

:

Mr.R.Venkatesh
Government Advocate

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to grant higher scale of pay by two stages to him from the date of his joining service i.e. 23.05.2012 FN in the post of Junior Assistant as per the proceedings of the third respondent dated 19.07.2013 and to sanction annual increments and disburse the consequential monetary benefits.

2.It is the case of the petitioner that he was appointed as Junior Assistant at Government Vellore Medical College, through Tamilnadu Public Service Commission on 23.05.2012 and transferred to Government Tiruvannamalai Medical College and Hospital on 04.06.2013. It is further case of the petitioner that as per G.O.Ms.No.321, Finance (PC) Department, dated 02.07.1998, he is entitle for higher scale of pay by two stages, which was not granted to him and subsequently, as per G.O.Ms.No.241, Finance Department dated 22.07.2013, the benefit was ignored to him, which is discriminatory and violative of Article 14 of the Constitution of India. In this regard, the petitioner made representations to the respondents 1 and 2 to grant higher scale of pay to him by two stages from the date of his joining service and to sanction annual increments and disburse the consequential monetary benefits. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to submit a fresh representation along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar

/ true copy /

Sub Assistant Registrar

WEB COPY

To

1.The Director of Medical Education,
Chennai - 600 010.

2.The Dean,
Government Tiruvannamalai
Medical College & Hospital,
Tiruvannamalai.

3.The Dean,
Government Vellore Medical
College & Hospital,
Vellore.

1 CC to M/s.A.Rajendiran, Advocate SR.56373

W.P.No.21505 of 2016

RP (CO)
CS 12/11/2016



WEB COPY