

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.7887 of 2016

Dr.A.Ganesan

.. Petitioner

-vs-

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Principal Accountant General,
(Accounts & Entitlements),
361, Anna Salai, Teynampet,
Chennai-600 018.

3.The Director,
Directorate of Public Health and
Preventive Medicine,
359, DMS Complex,
Teynampet, Anna Salai,
Chennai 600 006.

4.The Pay and Accounts Officer (South),
Department of Treasuries and Accounts,
No.484, Anna Salai,
Nandanam, Chennai-600 035.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to pay on the basis of the petitioner's representation dated 11.01.2016 to the Respondents 1 to 3 and fix his notional increment to him.

For petitioner : Mr.N.Kumar Rajan for
M/s.Kumar and Baskar

For respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1, R3 and R4

ORDER

The writ petition has been filed by the petitioner seeking a direction to the respondents to pay on the basis of the petitioner's representation dated 11.01.2016 and fix his notional increment to him.

2.The case of the petitioner is that he was working as a Professor in Community Medicine at Thanjavur Medical College, Thanjavur. He joined the third respondent office as a Health Officer, Municipal Health, Myladuthurai in the year 1983. Subsequently, he got promoted as a Joint Director of Public Health and Preventive Medicine, Institute of Vector Control and Zoonosis, Hosur. However, he is entitled for 3% notional increment, as per the Government clarification Letter No.13334/L2/2014-1 dated 04.07.2014. Though he made representation dated 11.01.2016 for fixation of notional increment, the same has not been considered till date. Therefore, he is before this court.

3.Learned counsel for the petitioner drew the attention of this Court the letter No.13334/L2/2014-1 dated 04.07.2014, issued by the Secretary to Government wherein it has been stated that employees on promotion to higher posts on identical scales of pay i.e. in the same pay band and same grade pay in the revised pay structure, are also entitled for the benefit of one increment equal to 3% of basic pay in the lower post. Learned counsel for the petitioner also drew the attention of this Court to G.O. (D) No.919 Health and Family Welfare (L2) Department dated 11.09.2014 wherein it has been stated as follows:

"In the circumstances reported by the Director of Public Health and Preventive Medicine in his letter second read above, the following posting on promotion is ordered with effect from the date of taking charge of the post:-

i.Dr.A.Ganesan, Joint Director (CST), Tamil Nadu State AIDS Control Society, Chennai on his regular promotion as Additional Director of Public Health and Preventive Medicine, is posted as Director, Institute of Community Medicine, Madras Medical College, Chennai in the existing vacancy."

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents.

5.This Court finds much force in the submission made by the learned counsel for the petitioner. Therefore, this Court finds it reasonable to issue direction to the respondents.

Accordingly, the first respondent is directed to send proposal to respondents 2 to 4, in the light of G.O. (D) No.919 Health and Family Welfare (L2) Department dated 11.09.2014. On receipt of such proposal, the fourth respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.
vga

s/d-
Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Principal Accountant General,
(Accounts & Entitlements),
361, Anna Salai, Teynampet,
Chennai-600 018.
3. The Director,
Directorate of Public Health and
Preventive Medicine,
359, DMS Complex,
Teynampet, Anna Salai,
Chennai 600 006.
4. The Pay and Accounts Officer (South),
Department of Treasuries and Accounts,
No.484, Anna Salai,
Nandanam, Chennai-600 035.

+ 1 cc to Govt. Pleader SR 14010

+ 1 cc to M/s. Kumar and Baskaran, Advocate SR 13527

kji(co)
prk12/4

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