



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

C O R A M

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.18683 of 2016

and

WMP(MD)Nos.13511 and 13512 of 2016

K.Malarkodi

.. Petitioner

-Vs-

1.The Director of Public Health
and Preventive Medicine,
D.M.S.Complex, No.359,
Anna Salai, Teynampet,
Chennai 600 006.

2.The Deputy Director of Health Services,
Office of Deputy Director of Health Service,
Gandhiji Road, Thanjaur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order issued by the 2nd respondent in Na.Ka.No.7288/A7/2014 dated .05.2015 and to Quash the same and consequently direct the respondents to continue to pay Special Time Scale of Pay granted to the petitioners in G.O.(pa) No.680 Health and Family Welfare (AB-1) department dated 28.06.2013 and also to pay the arrears of salary and other consequential service and monetary benefits.

For petitioner ... Mr.P.Sesubalan Raja

For Respondents ... Mr.S.Kumar
Additional Government Pleader

O R D E R

The petitioner was appointed as a sanitary worker on consolidated pay. The Government issued G.O.Ms.No.385, Finance (Pay Cell) Department, dated 01.10.2010 granting special time scale of pay to the sanitary workers, who have completed three years of service. In the said G.O.Ms.No.385, in clause (4), the head of account under which the salary has to be paid is specifically mentioned. The petitioner has been receiving the special time scale of pay. Surprisingly, the second respondent has passed the impugned order asking the concerned authorities to stop payment on the ground that the head of account for the drawal of salary has not been furnished. This order is under challenge in this writ petition.



2.The learned counsel for the petitioner would point out that the impugned order, on the face of it, is illegal and incorrect and as the head of account, under which, the pay has to be debited, has been mentioned in the Government Order itself and as the petitioner has been receiving salary and based on the Government Order, there cannot be any impediment for the authorities to continue to make payment and the impugned order, cannot be sustained either in law or on facts.

3.The contention of the learned counsel for the petitioner is correct and therefore, the impugned order passed by the second respondent is hereby set aside. The respondents are hereby directed to calculate the arrears of salary and pay the same to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The future salary to the petitioner, shall be paid, as it had been paid already.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Public Health
and Preventive Medicine,
D.M.S.Complex, No.359,
Anna Salai, Teynampet,
Chennai 600 006.

2.The Deputy Director of Health Services,
Office of Deputy Director of Health Service,
Gandhiji Road, Thanjaur.

+1 cc to Mr.P.Sesubalan Raja, Advocate in SR No.56562
+1 cc to the Spl.Govt.Pleader in SR No.57006

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anr/ck/24.10.2016/2p/5c