

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 9267 of 2014

Mrs.Vasanthi

... Petitioner

Vs

1.The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Thenampettai,
Chennai - 600 006.

2.The Joint Director,
Medical Superintendent,
Government District Head Quarters Hospital,
Namakkal.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to pay petitioner's periodical increment from the date of regularization, pending salary, Dearness Allowance and travelling allowance and maternity period salary and Last Payment Certificate and other back wages to the petitioner without deducting any amount towards tax and all other related benefits.

For Petitioner सत्यमेव जयते : Mr.R.K.Gandhi

For Respondents : Mr.R.S.Selvam for R1 and R2

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O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pay petitioner's periodical increment from the date of regularization, pending salary, Dearness Allowance and Travelling Allowance and Maternity period salary and Last Payment Certificate and other back wages.

2. The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that the grievances of the writ petitioner has already been redressed, except Travelling allowance and Dearness Allowance. In this regard, the counter affidavit filed by the 3rd respondent, which as follows:

"3. With regard to the para No.3, it is submitted that, while she was working in Govt. Head Quarters Hospital, Namakkal. She was imparting training in operation Theatre Technique for a period of 60 days from 11.11.2011 to 21.01.2012. Even though she is eligible for TA and DA for the above Training She has not submitted any TA claim bill till date as per rules. Her due date for submission as per TA rules is on 20.04.2012. But she did not submit any TA bill so far. Hence the question of payment of TA amount for above deputation to the petitioner does not arise. Those who have submitted their TA claim in time have been paid TA etc. Hence the averment made by the petitioner is a wrong one.

6. With regard to Para No.6, it is submitted that, on Receipt of the regularization order from the Director of Medical and Rural Health Services, Chennai - 6 all the monetary benefits including Salary, DA, maternity leave period salaries etc. were claimed and paid to her as follows:

- (i) Incremental arrears from 1.07.2011 to 17.09.2013
Rs.45025/-
Date of Encashment = 6.05.2014. District Treasury,
Namakkal.
- (ii) Maternity leave salary from 01.09.2012 to
04.03.2013
- | | |
|--------------------|---------------|
| Bill Gross | = 151378/- |
| Net | = 136248/- |
| Date of Encashment | = 06.05.2014. |

District Treasury, Namakkal.

- (iii) Last Pay Certificate sent to Dean, Mohan Kumaramangalam Medical College, Salem vide R.No:2804/A1/14 on 23.04.2014"

3.This being the factum, the writ petitioner is at liberty to file a fresh representation, if any, in respect of the existing grievances. However, all other benefits have already been settled in favour of the petitioner and accordingly, the writ petition stands closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jas/kak

To

- 1.The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Thenampettai,
Chennai - 600 006.
- 2.The Joint Director,
Medical Superintendent,
Government District Head Quarters Hospital,
Namakkal.

+lcc to Mr.R.K.Gandhi, Advocate Sr.75732
+lcc to the Government Pleader Sr.75905

सत्यमेव जयते

W.P.No.9267 of 2014

ks[co]
srg 26/11/2018

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