

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.06.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15074 of 2018 and
W.M.P.No.17838 of 2018

D.Lathamary

...Petitioner

Versus

1. The Institute of Road Transport,
Represented by its Director,
100 Feet Road, Tharamani, Chennai 600 113
2. The Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010
3. The Dean,
IRT Perunthurai Medical College,
Perunthurai, Erode 638 053

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records of the third respondent in its Executive Order No.250/E2/saponi-pemakama/2018 dated 30.05.2018 and to quash the same as illegal and consequently direct the respondents to release the increment with cumulative effect immediately w.e.f. October 2017.

For Petitioner : Mr.D.Parvendan
For RR1 & 2 : Mrs.P.Kavitha,
Government Advocate

ORDER

This writ petition has been filed by the petitioner to call for the records of the 3rd respondent in its Executive order No.250/E2/Saponi-pemakama/2018 dated 30.05.2018 and quash the same and consequently, seeking for a direction to direct the respondents to release the increment with cumulative effect immediately w.e.f October 2017.

2. The petitioner joined as a Staff Nurse in Perunthurai Medical College in 1995 and rendering her unblemished service from the date of joining for a period of more than 23 years. She was eligible for promotion as Special Grade Staff Nurse and entitled for an increment of Rs.4,000/- with effect from October

2017. There being an wordy quarrel between one Mrs.Saroja with the petitioner, the petitioner was issued with charge memos by the 3rd respondent dated 04.04.2018, 19.04.2018, 12.04.2018 and finally on 27.04.2018 and in view of the pendency of the charge memos, the 3rd respondent ultimately cut the increment for which the petitioner is entitled to and challenging the same, the petitioner came forward to file this writ petition.

3. The learned counsel for the petitioner states that the statutory remedy is available to the petitioner by way of filing an appeal before the appropriate forum which is speedy and efficacious. It is pointed out by the learned counsel appearing on behalf of the respondent that the petitioner has already filed an appeal.

4. Considering the aforesaid submissions, this Court is of the view that an appeal has already been filed which is still pending and therefore, this Court is not inclined to entertain this writ petition at this stage and directs the Appellate Authority to adjudicate the matter and dispose of the appeal, if the papers are otherwise in order, within the period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
The Institute of Road Transport,
100 Feet Road, Tharamani,
Chennai 600 113.

2. The Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai 600 010

+1cc to Ms.S.Deepika, Advocate, S.R.No. 40737

+1cc to the Government Pleader, S.R.No.41370,40385

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AD (CO)
BM 23/07/2018