



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD)No.9842 of 2018

S.Rajan

.. Petitioner

Vs

1.The Director of Medical and Rural health,
Chennai-600 006.

2.The Joint Director of Health Services,
Dindigul District, Dindigul.

3.The Principal Accountant General of Tamil Nadu,
Office of Accountant General,
Teynampet, Chennai-18.

4.The Superintendent,
Government Hospital,
Dindigul Head Quarters,
Dindigul District.

.. 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 pertaining to the impugned proceedings of the fourth Respondent in his proceedings No.Na.Ka.No.1251/Ni2/2014, dated 22.03.2017 quash the same and further direct the 1 and 2 respondents to re-fix petitioner's pension and retirement benefits and to send proposal to the 3rd respondent as per revised scale of pay in G.O.Ms.No.325, dated 22.07.2013 and grant the retirement benefits and pension.

For Petitioner ... Mr.D.Selvaraj
For R1, R2 & R4 ... Mrs.S.Srimathy,
Special Government Pleader
For R3 ... Mr.P.Gunasekaran

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal.

2.Heard Mr.D.Selvaraj, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1,2 & 4 and Mr.P.Gunasekaran, learned counsel appearing for the fourth respondent.

3.The petitioner has filed this writ petition challenging the proceedings of the second respondent, dated 22.03.2017, insofar as



it relates to the fixation of Grade Pay at Rs.2,600/-.

4. On a perusal of the material papers filed along with this writ petition it is prima facie clear that an error has occurred while noting the Grade Pay of the writ petitioner, much prior to the retirement of the petitioner on 31.03.2015. The authorities have fixed the Grade Pay vide proceedings, dated .09.2014. The Grade Pay so fixed is Rs.4,200/-. Though the proceedings were issued on the said date, proper endorsement in the petitioner's Service Register was made only on 13.07.2015. This is evident from the copy of the Service Register filed in Page 11 of the typed set of papers.

5. Even prior to that, on 10.02.2015 itself, the orders were passed for revising the petitioner's pension. However, in the impugned order, it is seen that the Grade Pay is mentioned as Rs.2,400/-. This appears to be an error, which was occurred.

6. Though the learned counsel appearing for the respondents requested time for getting instructions in this matter, it may not be necessary to adjourn the matter. It is an admitted fact that the particulars are culled out from various proceedings. Therefore, in my considered view, the second respondent can re-consider the matter and re-fix the Grade Pay properly.

7. The writ petition is allowed and the impugned order passed by the second respondent is set aside and the matter is remitted back to the second respondent to take note of the observations made in the order culled out from the original Service Register, verify the relevant proceedings and fix the proper Grade Pay and pass appropriate orders as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Medical and Rural health, Chennai-600 006.

2. The Joint Director of Health Services, Dindigul District,
Dindigul.

3. The Superintendent, Government Hospital, Dindigul Head Quarters,
Dindigul District.

+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 64444

+1CC to Mr.D.Selvaraj, Advocate, SR.No. 64048

+1CC to the Special Government Pleader SR.No.65016

W.P. (MD) No.9842 of 2018
27.04.2018