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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.02.2018**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.6869 of 2011
and
MP(MD)Nos.1 of 2011 and 1 of 2013

T.Aiyappan Pillai ... Petitioner

Vs.

1.The Deputy Director of Health Service,
Nagercoil, Kanyakumari District.

2.The Director of Public Health and
Preventive Medicines, Chennai - 600 006.

3.The Accountant General (A&E),
Chennai - 600 018. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records, relating to the order passed by the 1st respondent R.No.12381/B1/2009 dated 20.05.2011 and quash the same.

For Petitioner : Mr.P.Thirumahilmaran
For Respondents 1 & 2 : Mr.Muthu,
Additional Government Pleader
For Respondent 3 : Mr.P.Gunasekaran

ORDER

The learned Additional Government Pleader made submissions that the order of recovery issued against the writ petitioner had already been cancelled and the details are provided in paragraph No.4 of the Counter affidavit filed by the first respondent, which reads as under:-

"4.It is respectfully submitted that the Hon'ble Court of Madurai Bench of Madras High Court has passed the orders on 24.11.2010 and ordered that a fresh order has to be issued to the petitioner on merits and in accordance with law. Based on the orders of the Hon'ble Court, the petitioner was awarded the post of Selection Grade Block Health Supervisor w.e.f04.11.1998, as per G.O.Ms.No.254 H & F W Dept. dated 18.07.2007. Resulting this refixation of pay the recovery of

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excess amount from 04.11.1998 has been cancelled. But, the second increment w.e.f 01.10.2001 in the promotional Post of Technical Gazetted Personnel Assistant was not allowed. Since he has not passed the Account Test for Executive Officers till his retirement".

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2.Thus, no further adjudication needs to be undertaken in this writ petition. Accordingly, the writ petition stands closed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

dsk

To

1.The Deputy Director of Health Service,
Nagercoil,
Kanyakumari District.

2.The Director of Public Health and
Preventive Medicines,
Chennai - 600 006.

3.The Accountant General (A&E),
Chennai - 600 018.

+1cc to Mr.P.Thirumahilmaran, Advocate in SR.No. 45770
+1cc to Mr.P.Gunasekaran,Advocate in SR.No.45879
+1cc to Spl.Government, Advocate Sr.No.46540

GJM/SKN/RSK/SAR-I-23.02.2018 -2p-7c

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