

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25228 of 2019

Dr.K.Vinayagavel, M.D.S.,
Professor, Dept. of Prosthodontics,
Tamil Nadu Government Dental College & Hospital,
Chennai - 600 003. ...Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai - 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai - 600 010. ...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the respondents to pass orders for refitment and fixation of pay in the post of Professor in Prosthodontics in Pay Band IV scale of pay from the date of posting of petitioner as Professor on 20.10.2014, as granted for other similarly placed person including Juniors, with all consequential attendant benefits, within a time frame as fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Kadirvelu for R1 & R2
Special Government Pleader

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the respondents to pass orders for refitment and fixation of pay in the post of Professor in Prosthodontics in Pay Band IV scale of pay from the date of posting of petitioner as Professor on 20.10.2014, as granted for other similarly placed person including Juniors, with all consequential attendant benefits, within a time frame as fixed by this Court.

2.The case of the petitioner is that the petitioner was appointed as Assistant Dental Surgeon on 27.10.1997 in Tamil Nadu Medical Service through Tamil Nadu Public Service. Thereafter, the petitioner got admission as service candidate in M.D.S.(Prosthodontics) on 01.07.2001 and completed the course on 20.04.2004. Thereafter, the petitioner was appointed as Tutor in Prosthetic Dentistry on 21.04.2004 in Tamil Nadu Government Dental College and Hospital, Chennai. The petitioner was given promotion as Associate Professor in Dental Surgery vide G.O.(D)No.776, Health and Family Welfare Department (B1) Department, dated 01.07.2011 and he joined the duty as Associate Professor of Dental Surgery on 15.07.2011. The Government issued G.O.(D)No.1033, Health and Family Welfare (A1) Department dated 10.10.2014, the petitioner was posted as Professor of Prosthodontics in Tamil Nadu Government Dental College and Hospital, Chennai in the vacancy arose due to retirement of incumbent of Dr.C.Thulasingham. One Dr.Balashanmugam, junior to the petitioner was promoted as Associate Professor on 27.10.2014 has been given the refitment as Professor with effect from 15.03.2013 with fixation of pay in Pay Band IV as per G.O.Ms.No.354 dated 23.10.2009. However, the petitioner was not provided with refitment and fixation of pay in Pay Band IV on par with his junior. The petitioner made several representations and the same was forwarded by Tamil Nadu Government Dental College Office from 19.11.2014, 09.04.2015, 14.03.2016 and 28.12.2017. Till date, the representations were not considered. Hence, the petitioner filed a Writ Petition before this Court.

3.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to the respondents to consider the representations submitted by the petitioner and to dispose of the same within a reasonable time as fixed by this Court.

4.Without going into the merits of the case, I am inclined to issue direction to direct the respondents to consider the representations and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

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Sub Assistant Registrar

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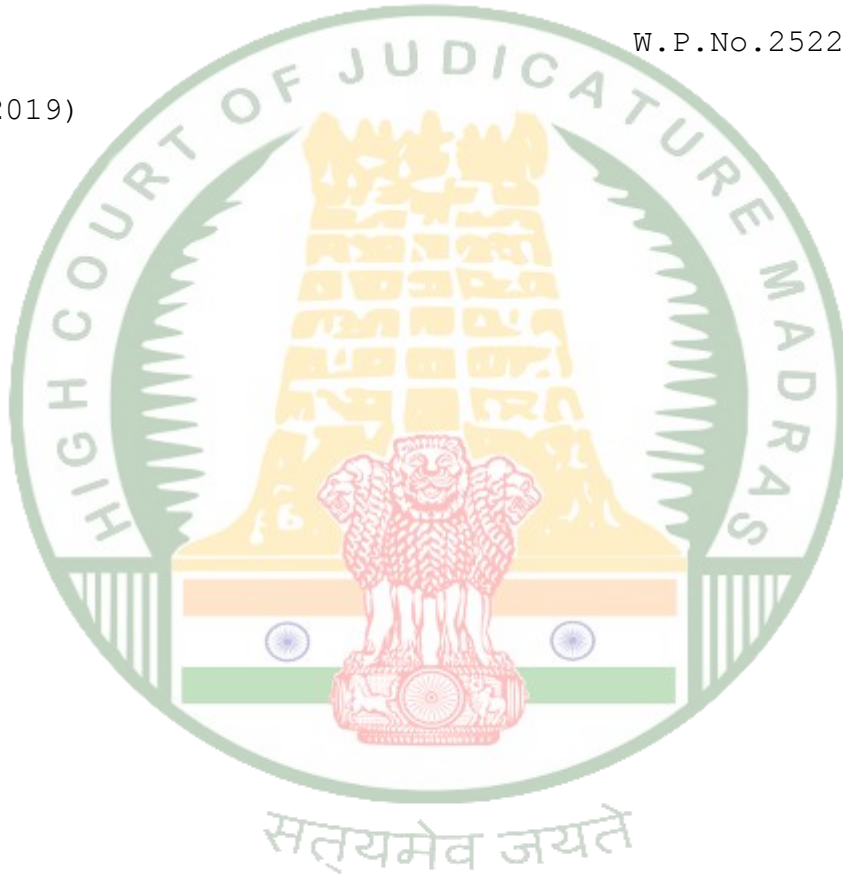
1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Director of Medical Education,
Kilpauk, Chennai - 600 010.

+lcc to Mr.G.Sankaran, Advocate SR.88962

W.P.No.25228 of 2019

NRL (CO)
CB (02/12/2019)



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