



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33879 of 2019

A.Alamelumangai

... Petitioner

-Vs-

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

2. The Director of Medical Education,
Kilpauk, Chennai - 10.

3. The Additional Director of Medical Education (Nursing),
Directorate of Medical Education,
Kilpauk, Chennai - 10.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders on the representation made by the petitioner dated 17.04.2019 for the purpose of revision of scale of pay of the petitioner w.e.f 01.01.2016 based on VII Pay Commission recommendations and also to grant annual increment from 01.01.2016 within a reasonable time and grant such other further relief.

For Petitioner : Mr.K.Venkatramani
Senior Counsel for
Mr.M.Muthappan

For Respondents: Mr.A.Zakir Hussain
Government Advocate

ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner dated 17.04.2019, seeking for revision of scale of pay based on the VII Pay Commission recommendations and also to grant annual increment.

2.It is the case of the petitioner that she entered the Government service in the year 1990. She was appointed as Nursing Tutor, Grade-II in the year 2006 and she was entitled



for promotion to the post of Lecturer. She was included in the panel in the year 2010. The petitioner was posted as Lecturer in Psychiatric Nursing at the Government Theni Medical College and the same became a subject matter of challenge before the Madurai Bench in W.P.No.4531 of 2016 and this Court granted stay of the proceedings. Finally, the writ petition was heard and allowed by an order dated 24.08.2016 and the petitioner was directed to be posted at the Madras Medical College. The Writ Appeal filed by the Government against the said order came to be allowed in the year 2017. Therefore, the petitioner joined the Theni Medical College 05.07.2017 and reported for duty on 07.07.2017 .

3.The petitioner made a representation to treat the period from 01.03.2016 to 06.07.2017 as duty for all purposes. The petitioner approached this Court and filed W.P.No.6328 of 2018.

4.In the mean time, a charge memo was issued to the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules on the ground of unauthorized absence. The petitioner filed an appeal before the Hon'ble Supreme Court and by virtue of interim order passed by the Hon'ble Supreme Court on 07.09.2018, the petitioner was directed to be accommodated at the Madras Medical College and Hospital where a vacancy for the post of Lecturer in Nursing had arisen subsequently. The petitioner was transferred to the Madras Medical College and she joined duty on 13.09.2018.

5.The petitioner was subsequently promoted as a Reader and was posted to serve in the College of Nursing at Chengalpattu Medical College.

6.The petitioner is due for superannuation on 30.06.2020. She has made a representation to the respondents seeking for revision of scale of pay w.e.f. 01.01.2016 based on the VII Pay Commission recommendations and has claimed for grant of annual increments from 01.01.2016. This representation was made on 17.04.2019. Since, the same has not been considered till date, the petitioner has approached this Court seeking for appropriate directions.

7.Heard Mr.K.Venkatramani, learned Senior Counsel appearing on behalf of the petitioner and Mr.A.Zakir Hussain, learned Government Advocate appearing on behalf of the respondents.

8.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner dated 17.04.2019 and pass appropriate orders,



strictly in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

9. This writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Secretary to Government,
Health & Family Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 10.
3. The Additional Director of Medical Education (Nursing),
Directorate of Medical Education,
Kilpauk, Chennai - 10.

+1cc to Mr.M.Muthappan, Advocate SR.101761
+1cc to the Government Pleader SR.102520

W.P.No.33879 of 2019

SSI (CO)
CB(09/01/2020)