



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 15194 of 2019

and W.M.P. (MD) Nos.11703 & 11704 of 2019

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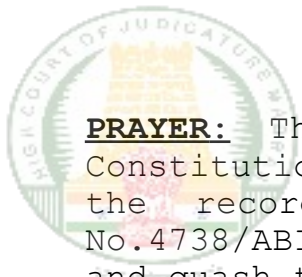
- 1.M. Ruthmary
- 2.T. Lakshmi
- 3.T. Tamilarasi
- 4.K. Sundaraselvi
- 5.A. Vadivu Subasini
- 6.S. Mahalingam
- 7.M. Sridevi
- 8.C. Jeyakani
- 9.C. Shoba

: Petitioners

Vs.

1. The State Government of tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort Saint George,
Chennai - 600 006.
2. The Additional Chief Secretary to Government,
Finance Department, Secretariat,
Fort Saint George, Chennai - 600 006.
3. The Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai - 600 006.
4. The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
5. The Dean,
Tirunelveli Medical College Hospital,
3, High Ground Road,
Palayamkottai, Tirunelveli.
6. The Dean,
Thoothukudi Medical College Hospital, Thoothukudi.
7. The Principal Accountant General,
Office of the Accountant General,
No.361, Anna Salai, Chennai - 600 018.
8. Tamil Nadu Public Service Commission,
Represented by its Chairman,
TNPSC Road, Park Town,
V.O.C. Nagar, chennai - 600 003.

: Respondents



PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari, calling for the records relating to the impugned proceedings in Letter No.4738/ABI/2019-2, dated 03.06.2019 issued by the first respondent and quash the same.

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For Petitioner : V. Meenakshmi Sundaram
for M/s. S. Rajesh Kanna
For Respondents-1 to 6 : Mr. Aayiram K. Selvakumar,
Additional Government Pleader
For Respondent-7 : Mr. Gunasekaran,
Standing Counsel
For Respondent-8 : Mr.D. Sivaraman,
Standing Counsel

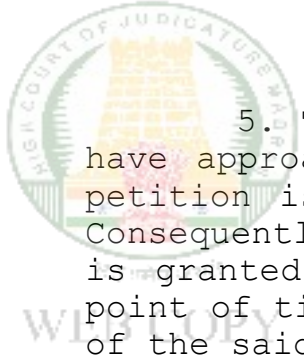
ORDER

The writ petition has been filed seeking to quash the impugned proceedings of the first respondent, dated 03.06.2019 in Letter No.4738/ABI/2019-2.

2. The grievance of the petitioners is that they have applied for the post of Typist in the year 2006-2007, vide notification, dated 15.11.2007, called for by the TNPSC and they were provisionally selected and completed their certificate verification on 11.12.2008 and subsequently, they have joined as Typists in the service of Health and Family Welfare Department, Government Medical College.

3. The further grievance of the petitioners is that the fourth respondent has issued proceedings in Ref. No.82155/E2/5/2017, dated 10.10.2017 extending the fitment benefit to the petitioners and similarly placed candidates selected prior to 01.06.2009 and appointed on or after 01.06.2009 and accordingly, their scale of pay has been revised. In the meantime, the first respondent vide impugned proceedings, dated 03.06.2019, in Letter No.4738/ABI/2019-2, had withdrawn the said benefits on the ground that the fourth respondent/Director of Medical Education, had extended the benefits to the petitioners and similarly placed persons without getting prior concurrence from the Finance Department. Hence, the instant writ petition is filed to quash the impugned proceedings issued by the first respondent, dated 03.06.2019 in Letter No.4738/ABI/2019-2 issued by the first respondent.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners has filed an additional typed set of papers before this Court, wherein he relied on the circular, dated 27.06.2019 in Ref. No. ந.க.எண்.82155/ந2/5/2017 issued by the Deputy Director of Medical Education (Administration) and sought for clarification to the Head of all the Medical Institutions. Now, admittedly, the petitioners have not received any communication from the first respondent to recover the amount, pursuant to the impugned order, dated 03.06.2019.



5. Therefore, this Court is of the view that the petitioners have approached this Court at a premature stage. Hence, this writ petition is not maintainable and the same is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed. Liberty is granted to the petitioners to approach this Court, at a later point of time, when any order has been issued to them for recovering of the said amount.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort Saint George,
Chennai - 600 006.
 2. The Additional Chief Secretary to Government,
Finance Department, Secretariat,
Fort Saint George, Chennai - 600 006.
 3. The Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai - 600 006.
 4. The Director,
Directorate of Medical Education,
Kilpauk, Chennai - 600 010.
 5. The Dean,
Tirunelveli Medical College Hospital,
3, High Ground Road,
Palayamkottai, Tirunelveli.
 6. The Dean,
Thoothukudi Medical College Hospital,
Thoothukudi.
- +1 CC to Mr.D.NALLATHAMBI, Advocate (SR-80497[F] dated 08/08/2019)
 +1 CC to Mr.D.SIVARAMAN, Advocate (SR-80705[F] dated 08/08/2019)
 +1 CC to SPL GP (SR-80625[F] dated 08/08/2019)
 +1 CC to MR.P.GUNASEKARAN, Advocate (SR-80953[F] dated 09/08/2019)

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