



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD).Nos. 15242 & 15089 of 2019
and W.M.P. (MD) Nos. 11773 11774,
11611 & 11612 of 2019

1. P. Malarkodi
2. K. Mahaboo Jahaan
3. P. Geethamani
4. S. Baraneswari
5. P. Umamaheswari
6. A. Shenbagavalli
7. R. Sathya
8. D. Felicia Glotin Reny
9. P. Muthulakshmi
10. P. Selvarani
11. B. Vijayalakshmi
12. K. Sumathy
13. P. Girija Devi
14. S. Jancy
15. K. Gajalakshmi
16. D. Mageswari

: Petitioners in W.P. (MD)
No.15242 of 2019

1. K. Velmurugan
2. N. Balasubramanian
3. P. Nangaiyar @ Mala
4. M. Thirunirai Selvi
5. M. Chitraklekha
6. V. Rani Chandra
7. K. Saravanan
8. S. Lalitha Puvaneswari
9. P. Sutha
10. T. Sangaragomathi
11. S. Santhoshkumar
12. S. Boomari
13. K. Bhuvaneshwaran
14. V. Muppidathi @ Petchiappan
15. M. Santhanam
16. T. Arun Prasath
17. K. Jeyanthi
18. A. Alice Anitha
19. S. Senthilkumar
20. R. Janaki

..Petitioners in W.P. (MD)
No.15089 of 2019

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 Deputy Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
24, Sivaji Nagar, Thanjavur - 613 007.
6. The Dean,
K.A.P. Viswanatham Government Medical College,
Trichy.
7. The Dean,
Government Raja Mirasdar Hospital,
Thanjavur.
8. The Dean,
Annai Gandhi Memorial Government Hospital,
Trichy.
9. The Dean,
Government Medical College Hospital,
Thanjavur.
10. The Dean,
Government Villupuram Medical College,
Mundiyampakkam, Villupuram - 605601.
11. The Dean,
Chengalpattu Medical college,
Chengalpattu.
12. The Joint Director of Health Services,
Viluppuram,
Villupuram District.



13. The Principal Accountant General,
Office of the Accountant General,
No.361, Anna Salai, Chennai - 600 018.

14. Tamil Nadu Public Service Commission,
Represented by its Chairman,
TNPSC Road, Park Town,
V.O.C. Nagar, Chennai - 600 003.

: Respondents in both
Writ petitions.

COMMON 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.

In Both Writ petitions:

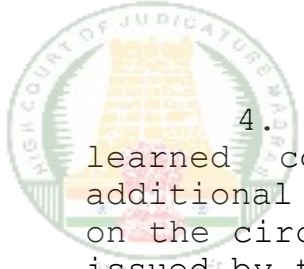
For Petitioner	: Mr. M. Dinesh
For Respondents-1 to 12	: Mr. Aayiram K. Selvakumar, Additional Government Pleader
For Respondent-13	: Mr. Gunasekaran, Standing Counsel
For Respondent-14	: Mr.D. Sivaraman, Standing Counsel

COMMON ORDER

The writ petitions have 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 Steno-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 02.12.2008 and subsequently, they have joined as Steno-Typists in the service of Health and Family Welfare Department.

3. The further grievance of the petitioners is that the fourth respondent has issued proceedings in Ref. No.82155/E2/5/2017, dated 20.12.2018 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/நி2/5/2017 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 (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

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 Deputy Director of Medical,
Rural Health Services and Family Welfare,
District Family Welfare Bureau,
24, Sivaji Nagar, Thanjavur - 613 007.



6. The Dean,
K.A.P. Viswanatham Government Medical College,
Trichy.
7. The Dean,
Government Raja Mirasdar Hospital, Thanjavur.

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8. The Dean,
Annai Gandhi Memorial Government Hospital,
Trichy.
9. The Dean,
Government Medical College Hospital,
Thanjavur.
10. The Dean,
Government Villupuram Medical College,
Mundiyampakkam, Villupuram - 605601.
11. The Dean,
Chengalpattu Medical college, Chengalpattu.
12. The Joint Director of Health Services,
Viluppuram, Villupuram District.

+1 CC to Mr.D.SIVARAMAN, Advocate SR-80704.
+1 CC to SPL GP SR-80663.
+2 CC to Mr.P.GUNASEKARAN, Advocate SR-80950 & 80952.
+1 CC TO Mr.M.Dinesh, ADVOCATE IN SR No.80937.

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15089 of 2019
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CS(30.08.2019) P C