



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.25665 of 2019

WEB COPY

L.Pitchaimani

... Petitioner

vs.

1.The State of Tamilnadu Represented by its,
Secretary to Government,
Finance Department,
St.George Fort, Chennai-09.

2.The State of Tamilnadu Represented by its,
Secretary to Government,
People Health and Family Welfare Department,
St.George Fort, Chennai-09.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Director,
Medical and Rural Health Services,
Chennai-6.

5.The Joint Director,
Medical and Rural Health Services,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the fourth respondent to send petitioner service records to first respondent and to re-fix the petitioner pay scale in the light of the G.O.Ms.No.558 (Personnel and Administrative reforms) dated 06.06.1981 which is based on the recommendation made by the third respondent dated 19.07.2019 in Na.Ka.No.1978/2019/F6 and consequently direct the first respondent to disburse all his pay arrears within a time stipulated by this Court.

For Petitioner
For Respondents

: Mr.R.Saravana Kumar
: Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2.The present writ petition has been filed seeking re-fixation of the pay scale in light of the G.O.Ms.No.558, Personnel and Administrative Reforms Department, dated 06.06.1981.

3.According to the petitioner, he had given a representation in this regard on 19.07.2019 and the same has been duly forwarded to the second respondent, where it is said to be pending.

4.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner's request has already been rejected on 28.05.2019 stating that he was ineligible for re-fixation of pay scale in view of the Rule 22B of the Fundamental Rights.

5.However the learned counsel for the petitioner would submit that the second respondent herein had not taken into consideration the order in G.O.Ms.No.558, Personnel and Administrative Reforms Department, dated 06.06.1981 and therefore, he has given a representation on 19.07.2019.

6.In my view, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 19.07.2019 instead of stepping into shoes of the respondents and consider the prayer sought for in this writ petition.

7.In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 19.07.2019 in the light of the G.O.Ms.No.558, Personnel and Administrative Reforms Department, dated 06.06.1981. Such consideration shall be made at least within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the eligibility of the petitioner for re-fixation and that the second respondent is at liberty to consider the same on its own merits.

8.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

Cp



To:-

- 1.The Secretary to Government,
Finance Department,
St.George Fort, Chennai-09.
- 2.The Secretary to Government,
People Health and Family Welfare Department,
St.George Fort, Chennai-09.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The Director,
Medical and Rural Health Services,
Chennai-6.
- 5.The Joint Director,
Medical and Rural Health Services,
Dindigul District.

+1 CC to Mr.R.SARAVANA KUMAR, Advocate (SR-103132[F] dated 03/12/2019)

+1 CC to SPL GP (SR-103590[F] dated 05/12/2019)

W.P. (MD) No.25665 of 2019

03.12.2019

MK (30.12.2019) 3P 8C