

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P No.1078 of 2020

H.Retnaraj

..Petitioners

vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Health Department,
Fort St. George, Chennai - 600 009.

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

3. The Dean
Government Kumaramangalam Medical College Hospital,
Salem - 1.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the appeal of the petitioner dated 10.12.2018 against the order of rejection of the 3rd respondent dated 05.02.2015 and thereby direct the respondent to grant the petitioner with pay scale of Rs.9300-34800 + 4600 in the post of "Special Grade Pharmacist" by extending the benefit of Lr.No.63305 of Finance Department dated 08.11.2010 read with G.O.Ms.No.285/FIN dated 22.07.2013 with effect from 01.01.2006 and consequently direct the respondent to grant the petitioner 3% plus 3% increment as per G.O.Ms.No.285/FIN dated 22.07.2013 with effect from 01.07.2008 for the selection grade in the post of Chief Pharmacist and accordingly refix the pensionary benefits to the petitioner.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.E.Manoharan
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent to consider the appeal filed by the petitioner on 10.12.2018 and pass appropriate orders within a time fixed by this Court.

2.The case of the petitioner is that he was originally appointed as Pharmacist in the year 1977 and he was granted Selection Grade in the year 1987 and Special Grade in the year 1997. The petitioner was stagnating in the same post for nearly 30 years and ultimately, he was promoted as Chief Pharmacist in the year 2008. According to the petitioner, the Government had revised the pay scale of all the employees by adopting the 6th Pay Commission recommendations. A Government Order was also passed in this regard in G.O.Ms.No.234, dated 01.06.2009. A One Man Commission was appointed and based on the recommendations of the One Man Commission, a fresh Government Order was passed in G.O.Ms.No.296, dated 26.08.2010 and the revision of pay scale was done. In the meantime, the petitioner retired from service with effect from 30.06.2012.

3.The claim of the petitioner is that the petitioner is entitled for revision of pay scale and the petitioner had made a representation to the 3rd respondent in this regard seeking for refixation of grade pay with effect from 01.01.2006 and for other increments. The 3rd respondent had rejected the claim made by the petitioner by proceeding dated 05.02.2015. Hence, the petitioner filed an Appeal before the 1st respondent in the year 2018. Since the same was not considered till date, the present writ petition has been filed seeking for appropriate directions.

4.Heard Ms.Dakshayani Reddy, learned counsel appearing on behalf of the petitioner and Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the respondents.

5.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 1st respondent to pass orders on the appeal/representation made by the petitioner on 10.12.2018 and pass appropriate orders, strictly in accordance with law and in line with the Government orders, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the appeal dated 10.12.2018 and also a copy of this order.

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

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Health Department,
Fort St. George, Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Dean
Government Kumaramangalam Medical College Hospital,
Salem - 1.

+1 cc to M/s.Dakshayani Reddy,Advocate Sr.No. 4439

+1 cc to The Government Pleader Sr.No. 4346

AKM/27.02.2020/3P- 6C /

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