

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 2258 of 2012

Dr.J.Ilavarasu

... Petitioner

-vs-

1. The Director,
Institute of Road Transport,
Taramani, Chennai.
 2. The Secretary to Government,
Transport Department,
Fort St.George, Chennai -9.
 3. The Secretary to Government,
Finance (Pay Cell) Department,
Fort St.George, Chennai - 9.
 4. The Dean,
Perundurai Medical College and Hospital,
Perundurai.
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to sanction the salary benefits based on the VI Pay Commission Recommendations to the petitioner and further direct the respondents to draw and disburse the same within a reasonable time.

For Petitioner : Mr.K.Venkataramani
Senior counsel
for Mr.M.Muthappan

For Respondents : Ms.Kala Ramesh for R1
Ms.K.Bhuvaneswari
Addl. Govt. Pleader for R2 to R4

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to sanction the salary benefits based

on the VI Pay Commission Recommendations to the petitioner and further direct the respondents to draw and disburse the same within a reasonable time.

2. The petitioner joined in Perundurai Medical College and Hospital, i.e., fourth respondent College in the year 1992 and he worked in various capacities for nearly about sixteen years, before he was relieved on 31.05.2008, as an Associate Professor of Ophthalmology.

3. Immediately after relieving from the said post from the fourth respondent Institution, he was paid the EPF and Gratuity. However, the salary amount payable or the difference of salary / Gratuity amount based on the VI Pay Commission Recommendations was not paid especially from the period of very 1st January 2006 to 31st May 2008 and in this regard, in order to get the said amount, the petitioner had given a representation on 21.12.2010 to the respondents especially the first respondent through the fourth respondent. However, the said representation since has not been considered, he has approached this Court with the aforesaid prayer.

4. Heard Mr.K.Venkataramani, learned Senior counsel appearing for the petitioner who would submit that, if the said request is considered and granted within a time frame and amount payable or due payable to the petitioner are calculated and paid to the petitioner, he would be satisfied.

5. Ms.K.Bhuvaneswari, learned Additional Government Pleader appearing for the second to fourth respondents and Ms.Kala Ramesh, learned counsel for R1 submit that, the said representation of the petitioner dated 21.12.2010 would be considered by the first respondent on merits and in accordance with law and accordingly within a time frame, a decision would be taken and orders would be passed thereon on merits, she contended.

6. In view of the said submission made by the learned counsel appearing for both sides and by taking the innocuous nature of the prayer sought in this Writ Petition, this Court is inclined to dispose of the Writ Petition with the following orders:

"That the respondents especially the first respondent is hereby directed to consider the representation of the petitioner dated 21.12.2010 and pass orders thereon on merits and in accordance with law and ultimately, if the first respondent decides to make any payment as

claimed by the petitioner, the same shall be calculated and be paid to him and the needful as indicated above, shall be undertaken by the first respondent within a period of eight weeks from the date of receipt of a copy of this order."

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vji
To

1. The Director,
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Taramani, Chennai.
2. The Secretary to Government,
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Fort St.George, Chennai -9.
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Fort St.George, Chennai - 9.
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