

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 10.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.41456 of 2005
and
W.P.M.P.No.44523 of 2005

N.Rajendran

... Petitioner

Vs.

1.The Director,
Tamil Nadu State Health
Transport Department,
Guindy, Chennai - 600 032.

2.The Workshop Superintendent,
Regional Workshop (Health)
Asthampatti Post, Salem - 636 007.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the second respondent in Na.Ka.No.2369/A/05 dated 30.11.2005 and quash the same.

For Petitioner : No appearance

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

सत्यमेव जयते
ORDER

The prayer sought for herein is for a writ of certiorari calling for the records of the second respondent in Na.Ka.No.2369/A/05 dated 30.11.2005 and quash the same.

2.The petitioner was promoted as Chargeman with effect from 04.09.1997 at the respondent Department at Dharmapuri Depot. Accordingly, his pay has been revised from 01.01.1998 and the revised pay had been paid to him.

3.However, subsequently, it was noticed that, as per the rule which was in vogue, those who want to get a promotion to

the said post must have successfully completed the Account Test Part I, and without which, no increment in the promoted post would be given. Therefore, the salary, which was fixed by taking into account the increment which otherwise to be paid to the promoted post, was excessively paid, according to the respondents, therefore, the pay has been revised with effect from 01.01.1998 as Rs.5250/- and accordingly, an excess amount paid in this regard was quantified as Rs.65,891/- and in order to recover the same from the salary of the petitioner for 140 months, the impugned order has been passed by the respondent dated 30.11.2005, challenging the same, this writ petition has been filed.

4.Today when the writ petition is taken up for final hearing, Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the respondents, on instruction, would submit that, the said requirement of passing the Account Test for the purpose of revised salary and increment has been done away by issuance of G.O.Ms.No.210 dated 20.09.2013 issued by the Health Department, therefore, consequentially it was directed to pay back the recovered money to the petitioner, that was also paid him back and subsequently, the petitioner had been given two further promotions and in the promoted post, he worked for some years and on superannuation age, he peacefully retired from service on 30.04.2018. Therefore, the learned Additional Government Pleader would submit that, nothing survives in this writ petition to further adjudicate the issue.

5.Recording the said submission made by the learned Additional Government Pleader appearing for the respondents that, the issue raised in the writ petition has already been settled during the pendency of the writ petition, as recorded above, this Court feels that, nothing further survives in this writ petition to be agitated.

6.In view of the above, this Writ Petition is liable to be dismissed by recording the aforesaid, accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Director,
Tamil Nadu State Health
Transport Department,
Guindy, Chennai - 600 032.

2.The Workshop Superintendent,
Regional Workshop (Health)
Asthampatti Post,
Salem - 636 007.

+1cc to the Government Pleader SR.15412

W.P.No.41456 of 2005

SSN(CO)
CB(23/03/2021)



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