



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.144 of 2020

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S.Kosal Ram

... Petitioner

vs.

1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2.The Director of Local Fund Audit,
Integrated Finance Department Complex,
4th Floor, Nandanam,
Chennai - 600 035.

3.The District Collector,
Tirunelveli District, Tirunelveli.

4.The Commissioner of Panchayat Union,
Kalakad Panchayat Union,
Kalakad @ Salai Pudur,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent ie., the District Collector, Tirunelveli, to send the ratification proposals for fixing the scale of pay of the petitioner in the cadre of Male Nursing Assistant Grade-I to the Government as sought for by the Director of Local Fund Audit, Chennai, within a specified time fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the third respondent to send the ratification proposals for fixing the scale of pay of the petitioner in the cadre of Male Nursing Assistant Grade-I to the Government, as sought for by the Director of Local Fund Audit, Chennai.



2. According to the petitioner, he was appointed as Special Grade Male Nursing Assistant in the Panchayat Union Hospital, Kalakad, Tirunelveli District and he underwent Male Nurse Assistants Training from 16.07.1974 to 04.08.1975. Further, according to the petitioner, after completion of training, he was working as Male Nursing Assistant. He was permitted to retire from service on 31.03.2013, as Male Nursing Assistant.

3. Further, according to the petitioner, he was granted pension only in the cadre of Male Nursing Orderly. Male Nursing Orderly comes under the category of Office Assistant and the retirement age is 60 years. Male Nursing Assistant comes under the category of Junior Assistant and the retirement age is 58 years. The petitioner was allowed to retire from service on attaining the age of 58 years in the cadre of Male Nursing Assistant. In the pension sanction order of the Director of Local Fund Audit, Chennai, also it has been clearly stated that the petitioner's designation is Male Nursing Assistant. Contrary to the same, the petitioner was paid pension only for the post of Male Nursing Orderly. Hence, the petitioner filed a Writ Petition in W.P(MD)No.11278 of 2019 before this Court and this Court, by order dated 12.03.2019, directed the respondents to make entries in the petitioner's Service Register as Male Nursing Assistant Grade-I from 01.06.1988 and to send the revised pension proposals. As per the orders of this Court, necessary entries have been made in the Service Register that he worked as Male Nursing Assistant Grade-I. The revised pension proposal was sent by the fourth respondent to the second respondent on 24.06.2019. But, the second respondent rejected the proposal stating that the post approval of the Government has to be obtained for fixing the scale of pay of the petitioner in the cadre of Male Nursing Assistant Grade-I. Accordingly, the fourth respondent sent the proposal to the third respondent on 18.10.2019. The third respondent has not forwarded the same to the first respondent for getting the ratification, as sought for by the second respondent. Hence, the petitioner has come out with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the above materials and the limited relief sought for in the Writ Petition, the third respondent is directed to forward the proposal of the fourth respondent to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the first respondent is directed to consider the proposal and pass orders on merits and in accordance with law within a period of four weeks thereafter.



6. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar(CS-I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary to Government,
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Secretariat, Chennai - 600 009.
2. The Director of Local Fund Audit,
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3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Commissioner of Panchayat Union,
Kalakad Panchayat Union, Kalakad @ Salai Pudur,
Nanguneri Taluk, Tirunelveli District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-19689[F] dated 21/06/2021)

+1 CC to M/s.SPL GP (SR-19751[F] dated 21/06/2021)

**W.P(MD)No.144 of 2020
18.06.2021**

SVN(CO)

TR(29.06.2021) 3P 7C