



W.P.No.31330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31330 of 2022

Dr.K.S. Gamal Abdul Nasser, MDS., Ph.D

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to consider the representations of the petitioner dated 07.01.2019, 28.06.2021 and 06.08.2021, seeking sanction of stagnation increment on 20.08.2005, for having completed 10 years of service in the post of Professor of Dental Surgery (Prosthetics).

For Petitioner : Mr.R. Ramachandran

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader



WEB COPY



W.P.No.31330 of 2022

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the first respondent to consider and pass final orders on the petitioner's representations dated 07.01.2019, 28.06.2021 and 06.08.2021, seeking sanction of stagnation increment as on 20.08.2005, for having completed 10 years of service in the post of Professor of Dental Surgery (Prosthetics).

2. Heard the learned counsel for the petitioner. Mr.Stalin Abimanyu, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that he served as a Professor of Dental Surgery (Prosthetics) in Tamil Nadu Government Dental College in the time scale of pay of 3000-4500/10000-15200 from 19.08.1995 and completed 10 years in the same post on 19.08.2005 and therefore, he is entitled to get one stagnation increment before being promoted as Principal on 13.12.2006. The



W.P.No.31330 of 2022

petitioner has given several representations including the representations dated 07.01.2019, 28.06.2021 and 06.08.2021 to the respondents, requesting them to sanction the stagnation increment as on 20.08.2005. Since the representations of the petitioner have not been considered till date, he has filed this Writ Petition.

4. The petitioner has filed documents along with this Writ Petition to substantiate his claim. It is for the respondents to consider the same before passing the final orders.

5. No prejudice will be caused to the respondents if the petitioner's representations are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representations dated 07.01.2019, 28.06.2021 and 06.08.2021, seeking for sanction of stagnation increment as on 20.08.2005, in his favour, for having completed 10 years of service in the post of Professor of Dental Surgery (Prosthetics), on merits and in



W.P.No.31330 of 2022

accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands disposed of. No costs.

24.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

Sni



W.P.No.31330 of 2022

WEB COPY

To

- 1.The Principal Secretary to Government,
Health & Family Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Medical Education,
Kilpauk,
Chennai – 600 010.



WEB COPY



W.P.No.31330 of 2022

ABDUL QUDDHOSE,J.

Sni

W.P.No.31330 of 2022

24.11.2022