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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

**W.P. (MD) No.9939 of 2022**

**and**

**W.M.P. (MD) No.7093 of 2022**

Dr.R.D.Suresh

... Petitioner

vs.

1. The Principal Secretary to Government  
Health and Family Welfare Department  
Secretariat, Chennai-600 009

2. The Commissioner  
Directorate of Indian Medicine and Homeopathy  
Arumbakkam, Chennai-600 106

3. The Principal  
Government Ayurveda Medical College  
Kottar, Nagarcoil-629 002  
Kanniyakumari District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay the salary of the petitioner in Regular time scale of pay from 01.03.2021, as per G.O.(Ms) No.125, Health and Family Welfare (IM I-1) Department, dated 26.02.2021 with due increments within a time frame fixed by this Court.

For Petitioner : Mr.Kannan.G.

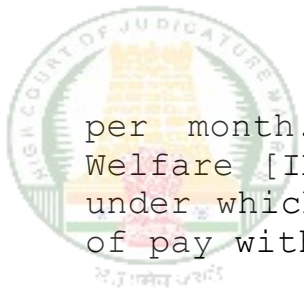
For Respondents : Mr.A.Kannan

Additional Government Pleader

### **O R D E R**

This writ petition has been filed for a mandamus seeking for a direction to the respondents to pay salary to the petitioner in regular time scale of pay from 01.03.2021, as per G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021, within a time frame to be fixed by this Court.

2. The petitioner is a Professor in the third respondent - College. Earlier, he was drawing consolidated pay of Rs.65,000/-



per month. Thereafter, G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021, came to be passed, under which the petitioner was entitled to get regular time scale of pay with effect from 01.03.2021.

3. According to the petitioner, after passing of the aforementioned Government Order, the petitioner has not been paid either the consolidated pay or the pay under the regular time scale. It is the contention of the petitioner that he has not been paid salary for almost fifteen months. The petitioner has been sending representations repeatedly to the respondents seeking for implementation of G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021 and to pay his salary accordingly. The last such representation was given on 25.04.2022.

4. Mr.A.Kannan, learned Additional Government Pleader, who accepts notice for the respondents, on instructions, submits that G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021, is waiting for approval of the Legislature and it may take some more time.

5. This Court is of the considered view that twelve weeks time can be granted to the respondents to implement the Government Order in G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021.

6. Accordingly, the writ petition is allowed by directing the respondents to implement the G.O.(Ms) No.125, Health and Family Welfare [IM I-1] Department, dated 26.02.2021 and pay salary to the petitioner as per regular time scale, including arrears as on date, within a period of twelve weeks from the date of receipt of a copy of this order. Since the consolidated pay, which was earlier received by the petitioner has not been paid, the respondents are directed to pay the same to the petitioner within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Vacation Officer.

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/ /2022  
Sub Assistant Registrar(CS)

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To:

1. The Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai-600 009.

2. The Commissioner,  
Directorate of Indian Medicine and Homeopathy,  
Arumbakkam, Chennai-600 106.

3. The Principal,  
Government Ayurveda Medical College,  
Kottar, Nagarcoil-629 002,  
Kanniyakumari District.

+1 CC to M/s.G.KANNAN, Advocate  
( SR-23944[F] dated 20/05/2022 )

+1 CC to M/s.SPL.GOVERNMENT PLEADER  
( SR-24030[F] dated 23/05/2022 )

W.P.(MD) No.9939 of 2022  
and  
W.M.P.(MD) No.7093 of 2022  
20.05.2022

SP/31/05/2022/3P/6C