



WEB COPY



W.P.No.21794 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21794 of 2022

S.Gopinath

... Petitioner

Versus

1.The National Filaria Control Unit,
Rep by its Filaria Officer (I/c),
Kumbakonam & Tk, Thanjavur Dist.

2.The National Filaria Control Unit,
Rep by its Health Inspector,
Nagapattinam & Dist.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, Order or Direction in the nature of Writ and in particularly Writ of Mandamus to direct the 1st respondent to consider the pleadings in the affidavit and representation 17.03.2021 and to provide arrears of salary from 02.12.2018 to 15.02.2020 to the petitioner and also to give increment for the same period on par with the co-employee.

For Petitioner : Mr.P.Vijendran
For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the pleadings in the affidavit and representation, dated 17.03.2021 and to provide arrears of salary from 02.12.2018 to 15.02.2020 to the



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petitioner and also to give increment for the same period on par with the co-employee.

2.The contention of the Writ Petitioner is that the petitioner was appointed on compassionate ground in the year 2009 at Pudukottai Sub Unit of Filaria Control Unit and thereafter, he was transferred from Mannarkudi to Nagapattinam with the promotion of Field Assistant. Citing the pendency of the criminal case against the petitioner, his promotion to the post of Lab Technician Grade-III is denied. According to the petitioner, the FIR registered against him in Crime No.144 of 2018 was already quashed by this Court in Cr.O.P.No.12147 of 2019 on 23.07.2019 and his suspension was also revoked. Such being the position, his name was not considered for next promotion. Hence, seeks his representation to be considered.

3.The learned Additional Government Pleader appearing for the respondents submitted that the representation of the petitioner, dated 17.03.2021 is not received and if fresh representation is given, the same will be considered, within a month.

4.Considering the limited relief sought for in this Writ Petition, the



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petitioner is directed to give fresh representation to the respondents, within a week, from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass orders on merits and in accordance with law, within a month, thereafter.

5. With the above directions, this Writ Petition is disposed of. No costs.

11.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Filaria Officer (I/c),
National Filaria Control Unit,
Kumbakonam & Tk, Thanjavur Dist.

2. The Health Inspector,
National Filaria Control Unit,
Nagapattinam & Dist.



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N.SATHISH KUMAR, J.
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