



W.P.No.32419 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32419 of 2019

A.Nagarathinam

...Petitioner

-Vs-

1.Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.

2.Director of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai - 600 010.

3.Dean,
Rajiv Gandhi Government General Hospital,
Poonamallee High Road,
Park Town, Chennai - 600 003.

4.Dean,
Government Stanley Hospital,
Old Jail Road, Chennai - 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the 1st respondent, quash the order of the 1st respondent bearing



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Letter No.3617/AA1/2019-4 dated 01.09.2019, Health and Family Welfare (AA1) Department as illegal, arbitrary and contrary to law and consequently direct the respondents to upgrade the service of the petitioner in the post of Assistant Executive Engineer from the date when he had completed 10 years of service in the post of Workshop Superintendent viz., 22.08.1998 with all other monetary and attendant benefits.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate for the respondents.

2. It is the claim of the petitioner that while serving as a Workshop Superintendent, he was made to undertake the duties and responsibilities of an Assistant Executive Engineer in the third respondent Hospital. The petitioner now seeks for upgradation of his post to that of an Assistant Executive Engineer, together with all the monetary and attendant benefits.



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3. The petitioner has now voluntarily retired from service with effect from 31.01.2022. As such, upgrading his post to that of Assistant Executive Engineer, at this point of time, may not be appropriate. Nevertheless, the petitioner now seeks for the monetary benefits for the period when he had undertaken the duties and responsibilities assigned to the post of Assistant Executive Engineer, while he was serving as a Workshop Superintendent.

4. The impugned order merely speaks about the upgradation aspect alone and does not refer to the monetary benefits, which is being sought for in this writ petition. Hence, this Court is of the view that if the petitioner approaches the respondents with a representation, seeking for his monetary benefits for the period when he claims to have done the duties and responsibilities of an Assistant Executive Engineer, while serving as a Workshop Superintendent, with a consequential direction to the respondents to consider his representation, the ends of justice could be secured. In view of such a decision, no interference is required to the impugned order.

5. In the light of the above findings, the petitioner herein is granted liberty to make a fresh representation, together with any supporting materials,



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to substantiate that he was also carrying on the duties and responsibilities of an Assistant Executive Engineer, to the first and second respondents herein.

On receipt of the same, the first and second respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of the representation.

6. With the above direction, the writ petition stands disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
hvk



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To
WEB COPY

- 1.The Principal Secretary to Government,
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Kilpauk, Chennai - 600 010.
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M.S.RAMESH,J.

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