



W.P.(MD).No.17351 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17351 of 2023

V.Karuppiah

... Petitioner

Vs.

1.The Joint Director,
Medical and Rural Health Services
and Family Welfare,
Virudhunagar.

2.The Accountant General (A&E),
361, Anna Salai,
Chennai-18.

3.The Medical Officer,
Government Hospital,
Srivilliputhur,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to comply with 2nd respondent communication in his proceedings vide Na.Ka.No.P20/3/12030392/ADK, dated 05.01.2023 and to re-forward the proposal for revision of fixation of pay after recording in the service register in respect of the petitioner's admissible revised service benefits to the office of the



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2nd respondent including by considering petitioner's detailed representation, dated 28.03.2023 within stipulated time.

For Petitioner : Mr.M.Sathiamoorthy
For R1 & R3 : Mr.P.Thambi Durai
Government Advocate
For R2 : Mrs.Mahalakshmi
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to comply with the 2nd respondent's communication in his proceedings vide Na.Ka.No.P20/3/12030392/ADK, dated 05.01.2023 and to re-forward the proposal for revision of fixation of pay after recording in the service register in respect of the petitioner's admissible revised service benefits to the office of the 2nd respondent including by considering petitioner's detailed representation, dated 28.03.2023 within stipulated time.

2. The petitioner was initially appointed as Male Nursing Assistant on 23.12.1974. On completion of 10 years service in the cadre of Male Nursing Assistant, he was granted with selection grade Male Nursing Assistant on 23.12.1984. At the time of reaching special grade Male Nursing Assistant on



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the completion of more than 19 years service, he was promoted to the post of Plaster Technician on 24.01.1994. Thereafter, he retired on superannuation on 31.03.2013 from the office of the 3rd respondent hospital. As on date, he is receiving pension from the Assistant Treasury Officer, Sivakasi, Virudhunagar District.

3. The grievance of the petitioner is that his promotional pay is lesser than the payment received up to the period of 39 years service. Had he been promoted to special grade status, his pay fixation would have been 2750-70-3800-75-4400. But, the promotional pay was fixed at 2650-65-3300-70-4000. The promotion to the post of Plaster Technician did not fetch any higher pay. After a period of 4 years on 01.09.1998, automatically his pay would have been fixed as 3050-75-3950-80-4590. Further, the petitioner was not granted with 2 pay increments in the method of punching on 01.06.1988, 4 pay increments in the method of punching on 01.01.1996, 3 pay increments in the method of punching on 01.01.2006 and he was also entitled for personal pay on 01.10.1992. With all these grievances, the petitioner approached the respondents seeking to re-fix the pay and pension after a period of 10 years. Accordingly, the grievances were considered by the 1st respondent



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and the same was forwarded to the 2nd respondent for appropriate orders. The 2nd respondent on 05.01.2023 has passed an order observing that the revision of fixation of pay if any admission need to be recorded in the service register from 01.06.1988 till the date of retirement under proper attestation also the department calculation sheet for admissible revised benefits properly signed may be forwarded for further action. On such observation, the 2nd respondent has sent back the file of the petitioner to the 1st respondent and the file is pending before the 1st respondent for appropriate action. The 1st respondent received the proposals back in the month of January itself. However, the 1st respondent has not taken any steps to do the necessary. Hence, this writ petition came to be filed.

4. Heard Mr.M.SAthiamoorthy, learned counsel for the petitioner, Mr.P.Thambi Durai, learned Government Advocate for R1 and R3 and Mrs.Mahalakshmi, learned standing counsel for R2.

5. Taking into consideration the lapse on the part of the 1st respondent to process the proposal back to the 2nd respondent, this Court directs the 1st respondent to comply with the 2nd respondent's communication in his proceedings, dated 05.01.2023 and re-forward the proposal for revision of fixation of pay considering the petitioner's detailed representation, dated



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28.03.2023 within a period of four (4) weeks from the date of receipt of a copy of this order.

6. In view of the above, this Writ Petition stands disposed of. No costs.

19.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Joint Director,
Medical and Rural Health Services
and Family Welfare,
Virudhunagar.

2.The Medical Officer,
Government Hospital,
Srivilliputhur,
Virudhunagar District.



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L.VICTORIA GOWRI, J.

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