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W.P.No.12606 of 2010



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.12606 of 2010

E. Selvaraj

... Petitioner

-Vs-

1. The Director of Public Health & Preventive
Medicine,
D.M.S.Compound
Chennai 600 006.

2. The Account General of Tamil Nadu
Teynampet, Chennai - 18.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus or direction to call for the impugned order passed by the 1st respondent in proceeding Na.Ka.No.83411/Pa.No.1/Eru1 / 09 dated 05.10.2009 and quash the same and consequently direct the respondents to revise the scale of pay of the petitioner by calculating the entire period of service from the date of regularisation in the post of vaccinator on 19.08.1968 based on government Letter.Ms.No.408/N1/2007 Health dated 24.10.07 and consequently revise the pension and pay the arrears of pensionary benefits with interest.



For Petitioner : No appearance

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

When the matter was listed for hearing on 26.02.2024 this Court passed the following order:-

The learned counsel appearing for the petitioner submitted that he has already given papers back to the petitioner along with change of vakalat. There is no representation on behalf of the petitioner.

2. On perusal of the affidavit filed in support of the petition would show that the grievance of the petitioner is that while the petitioner was regularised in service with effect from 18.12.1968 he was brought into time scale with effect from 01.01.1977 and this was challenged by the petitioner as well as similarly placed employees and the Government has ordered fixation from the original date itself. However, it is not implemented in the case of the petitioner.

3. Per contra, a counter affidavit has been filed by the second respondent, wherein it is stated that the Government has ratified the retrospective regularisation, but, however, with a condition that the scale of pay shall not date back to the original regularisation. However, while implementing the Government order, it is the error made on the part of the implementing officials, who have granted the benefit from the date of appointment itself. Only recovery of such amount has been stayed in the earlier writ petition and stay continues.

A similar petition filed by one employee by name N.R.Perumal the



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same was dismissed upholding the action of the respondent and the matter is pending before the Division Bench in W.A.No.288 of 2011.

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4. The learned counsel for the respondents submitted that writ appeal number W.A.No. 288 of 2011 mentioned in the counter affidavit has to be verified and that the number seems to be wrong. Therefore, to get instructions of the correct writ appeal number and what happened before the Division Bench the case is adjourned to 28.02.2024.

5. Registry is directed to delete the name of the learned counsel for the petitioner and print the name of the petitioner in both the columns and post the matter on 28.02.2024".

2. Today, when the matter is taken up for hearing there was no representation on behalf of the petitioner though the name of the petitioner is being printed in the cause list and as such the writ petition is dismissed for non prosecution.

3. Accordingly, the writ petition is dismissed for non prosecution.

No costs.

28.02.2024

Index : Yes/No

Speaking order/Non-speaking order

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To

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D. BHARATHA CHAKRAVARTHY, J.

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