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W.P. No.29915 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.29915 of 2015

V.Ramasamy

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. By Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.

2.The Director of Public Health and
Preventive Medicine,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondent in R.No.049981/M.P.I/S3/2014 dated 16.12.2014 quash the same and direct the Respondents to step up the pay of the petitioner with effect from 27.06.1989 in the post of Multipurpose Health Supervisor on par with his junior Thiru.M.Sulapani and grant him all consequential service, revised retirement and pensionary benefits with interest on the delayed payment of all arrears.

For Petitioner

: Mr.S.Balakrishnan



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for Mr.M.Ravi

For Respondents

: Mr.E.Sundaram
Government Advocate

ORDER

This writ petition has been filed challenging the proceeding of the 2nd Respondent bearing R.No.049981/M.P.I/S3/2014 dated 16.12.2014 whereby the request of the petitioner for fixing the pay of the petitioner on par with his junior one Thiru.M.Sulapani was rejected by the Respondents on the ground that the said Sulapani who were promoted to the post of Multi Purpose Health Supervisor on 20.12.1989 was subsequently reverted by proceedings bearing R.No.101812/MP.I/S1/2007 dated 05.12.2007 and subsequently the petitioner and the said Sulapani were promoted to the post of Multi Purpose Health Inspector-I with effect from 11.09.1995 and therefore the question of stepping up the pay and revising the pay of the petitioner on par with his junior does not arise.

2. On perusal of the representation made by the petitioner dated 18.04.2010 which was the subject matter of consideration before the Respondent for passing the impugned order, it is noticed that the grievance of the petitioner is for fixing of his pay in the pay scale of Rs.1600-2600 as per the Fifth Pay Commission's recommendations instead of a scale of pay of



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Rs.1350-2200.

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3. When the matter was taken up for consideration on an earlier occasion, the learned Special Government Pleader placed before this Court a proceedings issued by 2nd Respondent bearing R.No.096996/MPI/S3/2020 dated 31.07.2021 to the effect that the case of the petitioner was considered for fixing his pay in the pay scale of Rs.1600-50-2300-60-2660 with effect from 22.03.1989 on par with his junior namely Thiru.P.Balakrishnan and also stated that an amount of Rs.1,99,733/- was directed to be paid to the petitioner.

4. A copy of the said proceedings is furnished to the petitioner for getting instructions. However, the learned counsel for the petitioner submitted that the petitioner is now aged about 80 years and is not in a position to give any instructions.

5. In the light of the above and on perusing the proceedings of the 2nd Respondent dated 31.07.2021, this Court is convinced that the grievance of the petitioner stood redressed. However, the 2nd Respondent is directed to take necessary steps for completing the consequential action pursuant to the



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proceedings dated 31.07.2021 and pay all the amounts that are due to the petitioner in terms of the aforesaid proceedings if the same has not been already paid, within a period of 8 weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. No costs.

05.09.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

To:

1.The Secretary to Government,
Health and Family Welfare Department,



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Secretariat, Chennai-600 009.

2. The Director of Public Health and
Preventive Medicine,
Chennai-600 006.



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MUMMINENI SUDHEER KUMAR, J.

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