



WEB COPY



W.P.No.17899 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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1.T.Christopher (deceased)
2.K.Jayaselvi
3.Aulrin Micheal George
4.Austrin Mesac
(P2 to P4 are substituted as legal heirs of the
deceased P1 as per order dated 19.03.2024 in
W.M.P.No.5904 of 2022)

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner (General) of
Indian Medicine & Homeopathy,
Anna Arch Road, PP Garden,
Arumbakkam, Chennai 600 106.
- 3.The Superintendent (General),
Arignar Anna Government Hospital of Indian Medicine,
Chennai 600 106.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to



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consider the representation of the petitioner dated 03.01.2020 which was forwarded to the first respondent by the PGRC in its Letter No.4261/PGRC/2019-1 dated 28.08.2020 and consequently direct the third respondent to cancel the proceedings MUU.MU.1465/Ne-1/2013 (I) dated 11.11.2013 issued and upgrade his scale of pay to foreman with effect from 20.08.1986 as per G.O.Ms.No.1160, Education Department, dated 27.06.1988 on the basis of the 4th pay commission scales of pay.

For Petitioners : Mr.J.B.Aadeish for
Mr.P.Wilson Associates
For Respondents : Mr.E.Sundaram, GA

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 03.01.2020 which was forwarded to the first respondent by the PGRC in its Letter No.4261/PGRC/2019-1 dated 28.08.2020 and consequently direct the third respondent to cancel the proceedings issued in MUU.MU.1465/Ne-1/2013 (I) dated 11.11.2013 and upgrade the petitioner's scale of pay to foreman with effect from 20.08.1986 as per G.O.Ms.No.1160, Education Department, dated 27.06.1988 on the basis of the 4th pay commission scales of pay.



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2. Heard Mr.J.B.Aadeish, learned counsel for the petitioners and Mr.E.Sundaram, learned Government Advocate for the respondents.

3. The petitioner joined service as Mechanic Grade - II on 05.02.1982 in Arignar Anna Government Hospital of Indian Medicine, Chennai and retired from service on 31.03.2015. The petitioner gave a representation to the third respondent to fix his pay in accordance with G.O.Ms.No.545, Finance (Pay Cell) Department dated 28.09.1998. The petitioner has been making repeated representations to the respondents as well as the Pay Grievance Redressal Cell stating that he is entitled to pay revision under various Government Orders.

4. However, the learned Government Advocate for the respondents submitted that the petitioner's representation is hit by delay and laches. It is further submitted that the petitioner has not substantiated his claim and all Government Orders on which the petitioner bases his claim has got no application to the petitioner's case.



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5. Since the respondents have not passed any order on the representation of the petitioner, the respondents can consider the petitioner's request in the light of his submission and give disposal in accordance with law and on its own merits within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is disposed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To
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R.N.MANJULA, J.

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