



W.P.No.34310 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.34310 of 2024

Dr.Buddhanesan Sundarraaj

...Petitioner

-Vs-

1. State of Tamil Nadu,
Rep.by Principal Secretary,
Department of Health & Family Welfare,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Regional Administrative
Medical Officer (ESI),
Perambur High Road,
Jamalia, Mettupalayam,
Chennai-600 012.

3. The Director of Medical &
Rural Health Services (ESI),
No.53, Medavakkam Tank Road,
ESI Hospital Complex,
Ayyanavaram,
Chennai-600 023.

4.Pay and Accounts Officer (South),
Nandanam,
Chennai-600 035.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to revise and refix the petitioner's salary (Pay+DA+HRA+CCA and other benefits extended from time to time) (Subsistence allowance) by taking into account of his promotion to the cadre as per the judgment of this Court, dated 24.09.2009, made in W.A.No.544 and 545 of 2007, the corresponding pay as recommended by the 6th and 7th pay commission and pay the revised salary/provisional pension/subsistence allowance along with arrears of the same to the petitioner for which the petitioner has lastly submitted a representation dated 15.06.2024 to the respondents.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.Bindran
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents to revise and refix the petitioner's salary (Pay+DA+HRA+CCA and other benefits extended from time to time) (Subsistence allowance) by taking into account of his promotion to the cadre as per the judgment of this Court, dated 24.09.2009, made in W.A.No.544 and 545 of 2007, the corresponding pay as recommended by the 6th and 7th pay commission and pay the revised salary/provisional pension/subsistence



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allowance along with arrears of the same to the petitioner for which the petitioner has lastly submitted a representation dated 15.06.2024 to the respondents.

2. The case of the petitioner is that the petitioner attained the age of superannuation on 30.06.2009, but he was retained in service pending enquiry. The Writ Appeal Nos.544 and 545 of 2007 filed against the W.P.Nos.24539 of 2004 and 45 of 2005 were allowed by order dated 24.11.2009, the charge memo dated 28.07.2004 issued against the petitioner was dropped. Hence the petitioner made representations to comply with the order made in W.A.Nos.544 and 545 of 2007 dated 24.11.2009, till date not considered by the respondents. However, no action has been taken by the respondents till date.

3. The learned counsel for the petitioner submits that the petitioner was working as Regional Administrative Medical Officer (ESI), Chennai. He filed W.P.No.24539 of 2004 and W.P.No.45 of 2005 challenging the disciplinary proceedings initiated against him and it was disposed of with a direction to the competent authority to complete the enquiry within a period



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of eight weeks by order dated 21.09.2007. He attained the age of superannuation on 30.06.2009, he was retained in service pending enquiry.

The Writ Appeal Nos.544 and 545 of 2007 filed against the W.P.Nos.24539 of 2004 and 45 of 2005 were allowed by order dated 24.11.2009, the charge memo dated 28.07.2004 issued against the petitioner was dropped. Hence the petitioner made representations to comply with the order made in W.A.Nos.544 and 545 of 2007 dated 24.11.2009, till date not considered by the respondents. Hence, the petitioner has filed this writ petition before this Court.

4. Mr.Bindran, learned Additional Government Pleader takes notice for respondents.

5. The learned learned Additional Government Pleader submits that the petitioner's representation dated 15.06.2024 would be considered on merits and in accordance with law by the Authority concerned.

6. Heard the learned counsel on both sides and perused the materials available on record.



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7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 15.06.2024 on merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. In the result, the writ petition stands disposed of with the above observation and direction. No costs.

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ssn

Index : Yes/No

Speaking/Non Speaking order

To

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J.SATHYA NARAYANA PRASAD, J.,

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