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W.P.(MD) No.21926 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.21926 of 2016

and

W.M.P.(MD) Nos.15672 & 15673 of 2016

Susila

... Petitioner

-vs-

1.The Director of Public Health
and Preventive Medicine
D.M.S.Complex
No.359, Anna Salai
Teynampet, Chennai-600006

2.The Deputy Director of Health Services
Office of Deputy Director of
Health Service
Gandhiji Road, Thanjavur

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the impugned order issued by the second respondent in Na.Ka.No.7288/A7/2014 dated 05.2015 and to quash the same and consequently direct the respondents to



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continue to pay Special Time Scale of Pay granted to the petitioners in G.O (Pa) No. 680, Health and Family Welfare (AB-1) Department, dated 28.06.2013 and also to pay the arrears of salary and other consequential service and monetary benefits.

For Petitioner : Mr.Manikandan
for Mr.P.Sesubalanraja

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner challenges the internal communication between the second respondent and the first respondent, dated05.2015.

2. The petitioner is aggrieved by the impugned communication and therefore, she seeks for a direction to the respondents for continuance of her pay as per special time scale of pay granted to her *vide* G.O.(Pa) No.680, Health and Family Welfare (AB-1) Department, dated 28.06.2013.



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3. This writ petition was filed in the year 2016. Admittedly, no interim stay of the impugned communication dated ...05.2015, sent by the second respondent to the first respondent, was granted.

4. The respondents have filed their counter affidavit and in Paragraph No.10 of the counter affidavit, it has been stated that the Government have issued orders in G.O.(D) No.792, Health and Family Welfare Department, dated 05.04.2017, permitting the Director of Public Health and Preventive Medicine to fix the wages of RCH Sanitary Workers on daily wage basis, as fixed by the District Collector concerned for the RCH Sanitary Workers engaged under his control. It has also been stated that the wages of the petitioner was also fixed.

5. The petitioner has also not challenged the aforementioned Government Order, namely, G.O.(D) No.792, Health and Family Welfare Department, dated 05.04.2017. Subsequent to the passing of the aforementioned Government Order, the petitioner has also been receiving wages on consolidated basis. Having not challenged the aforementioned Government Order, the question of challenging the internal communication



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between the second respondent and the first respondent does not arise and it is also to be noted that even though this writ petition was filed in the year 2016, no interim stay of the impugned communication between the second respondent and the first respondent was granted till date.

6. For the foregoing reasons, there is no merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

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

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To:

- 1.The Director of Public Health
and Preventive Medicine,
D.M.S.Complex,
No.359, Anna Salai.
Teynampet, Chennai-600006,
- 2.The Deputy Director of Health Services,
Office of Deputy Director of
Health Service,
Gandhiji Road, Thanjavur.



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ABDUL QUDDHOSE, J.

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