



WP(MD). No.14350 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.01.2025

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.14350 of 2021

A.Anish Fathima

... Petitioner

versus

1. The Joint Director of Medical and
Rural Health Services and
Family Welfare,
Virudhunagar,
Virudhunagar District.

2. The Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Aruppukottai,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Certiorarified Mandamus, to call for entire records relating to the impugned proceedings in Na.Ka.No. 452/Ni/2021, dated 22.03.2021 issued by the 1st respondent and quash the same as illegal and consequently, direct the respondents herein to pay annual increments due to the writ petitioner which is pending from 01.10.2019, within the time limit fixed by this Court.



WEB COPY



WP(MD). No.14350 of 2021

For Petitioner : Mrs.A.Anish Fathima
Party-in-person

For Respondents : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner was initially appointed as Typist in the Health and Family Welfare Department and later, she was promoted as Assistant and now, she is working in the Government Hospital, Aruppukottai. With regard to the fixation of scale of pay, the first respondent, vide his proceedings dated 20.12.2018, passed an order that the petitioner's scale of pay was re-fixed as per G.O.(Ms.)No.340, Finance (Pay Cell) Department dated 26.08.2010. Subsequently, vide letter of the Finance Department in Na.Ka.No.3421/Finance/2019, dated 29.08.2019, it was informed that the petitioner is not entitled for fixation of pay as per the said Government Order in G.O.(Ms.)No.340. Therefore, based on the said letter, an order was passed on 27.06.2019 for recovery of the excess amount paid to the petitioner. The order of recovery dated 27.06.2019 was challenged by the petitioner before this Court in W.P.(MD)No.21082

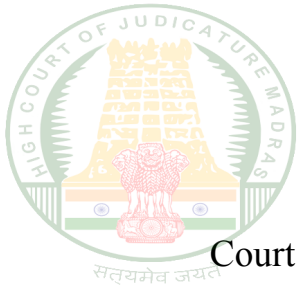


WP(MD). No.14350 of 2021

of 2019. This Court, by order dated 01.10.2019, allowed the writ petition that the order of recovery was passed without issuing any notice to the petitioner. Pursuant to the same, a show cause notice dated 26.11.2019 was issued to the petitioner. Challenging the same, the petitioner filed another writ petition in W.P.(MD)No.22677 of 2019 before this Court. In the meantime, the petitioner has made a request for annual increment. The first respondent, by his proceedings dated 22.03.2021, rejected the petitioner's request, by referring the pendency of the writ petition filed by her in W.P.(MD)No.26677 of 2019. Challenging the same, the present writ petition has been filed.

2. Now, it is reported that the writ petition filed by the petitioner in W.P.(MD)No.26677 of 2019 has already been disposed of by this Court by order dated 10.12.2024.

3. In view of the above, this writ petition is allowed and the impugned proceedings dated 22.03.2021 issued by the 1st respondent is hereby set aside. The respondents shall take a call on the petitioner's request for annual increment, after taking a decision as directed by this



WP(MD). No.14350 of 2021

Court in W.P.(MD)No.26677 of 2019, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

27.01.2025

ogy

NCC : Yes / No.

Index : Yes / No.

Internet: Yes / NO.

To

1. The Joint Director of Medical and
Rural Health Services and
Family Welfare,
Virudhunagar,
Virudhunagar District.
2. The Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Aruppukottai,
Virudhunagar District.



WEB COPY



WP(MD). No.14350 of 2021

B.PUGALENDHI, J.

ogy

WP(MD) No.14350 of 2021

27.01.2025