

W.P.(MD).No.12439 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.12439 of 2017

and

W.M.P.(MD)Nos.9584 to 9586 of 2017

J.Jeyasekharan David,
Chief Veterinary Surgeon,
Block Head Quarter Dispensary,
Kottaram – 629 703,
Kanyakumari District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Animal Husbandary,
Dairying and Fisheries,
Fort St.George,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Finance (CMPC) Department,
Fort St.George,
Chennai-600 009.
- 3.The Director of Animal Husbandry and
Veterinary Services,
College Road,
Chennai-600 006.
- 4.The Regional Joint Director of Animal
Husbandry and Veterinary Services,
Kanyakumari Region at Nagercoil,
Kanyakumari District – 629 001.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records relating to the impugned Government Letter issued by the 1st respondent in Letter No.8323/AH7/2017, dated 31.05.2017 and the consequential proceedings of the 2nd and 3rd respondents in Letter No.29734/CMPC/2017-1, dated 02.06.2017 and Na.Ka.No.34790/C1/2016 dated 20.06.2017, respectively, to quash the same, in so far as the petitioner is concerned and further, to direct the respondents to release forthwith the pay admissible to the post of Chief Veterinary Surgeon in the scales as fixed under G.O.Ms.No.49, Animal Husbandry, Dairying and Fisheries (AH7) Department dated 28.02.2017, with effect from 12.04.2017.

For Petitioner : Mr.D.N.Defin Jeenath
for M/s.Isaac Chambers
For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the Government Letter issued by the 1st respondent in Letter No.8323/AH7/2017, dated 31.05.2017 and the consequential proceedings of the 2nd and 3rd respondents in Letter No.29734/CMPC/2017-1, dated 02.06.2017 and Na.Ka.No.34790/C1/2016 dated 20.06.2017, respectively, to quash the same, in so far as the petitioner is concerned and further, to direct the respondents to release forthwith the pay admissible to the post of Chief Veterinary Surgeon in the scales as fixed under G.O.Ms.No.49, Animal Husbandry, Dairying and Fisheries (AH7)



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Department dated 28.02.2017, with effect from 12.04.2017.

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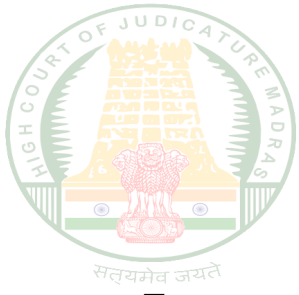
2.The petitioner is working as a Veterinary Surgeon in the respondent Department. The respondents have issued G.O.Ms.No.49, Animal Husbandry, Dairying and Fisheries (AH7) Department dated 28.02.2017, whereby the respondents proposed to grant additional financial upgradation. Even though the Veterinary Assistant Surgeons who have completed 25 years got two promotions based on the said G.O., the petitioner is claiming benefits of financial upgradation. However, after realizing the financial implications, the respondents have withdrawn the said G.O.Ms.No.49, through G.O.(Ms).No.112, Animal Husbandry, Dairying and Fisheries (AH7) Department, dated 05.06.2018. The said G.O., is passed pending the writ petition. When the petitioner is basing his claim on a withdrawn G.O., the present writ petition cannot be entertained.

3.Therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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- 1.The Principal Secretary,
Department of Animal Husbandary,
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S.SRIMATHY, J.

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