



WEB COPY

WP No. 31154 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 31154 of 2026

Dr.K.Kalpana

..petitioner(s)

Vs

1. The State of Tamil Nadu
Rep by its Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort st. George,
Chennai 600 009
2. The Director of Medical Education and
Research
Kilpauk,
Chennai 600 010
3. The Director of Medical and Rural Health
Services (ESI)
No 359 Anna Salai,
Teynampet,
Chennai 600 006
4. The Director of Public Health and Preventive
Medicine
No 359 Anna Salai, DMS campus,
Teynampet,
Chennai

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of mandamus directing the respondents to pass orders to regulate the period of absence by the petitioner from January 2012 to 01.08.2017 as compulsory wait period with all consequential and service



benefits, including arrears of salary, in modification of orders passed by the 1st respondent in G.O (D) No 556 Health and Family Welfare Department dated 20.04.2021, based on the representation submitted by the petitioner lastly on 25.06.2026.

For petitioner(s): Mr. G.Sankaran
Senior Counsel
For Mr. S.Nedunchezhiyan

For Respondent(s): Mr. K.Sathish
Government Advocate

Order

This writ petition is filed for the following relief:

“To direct respondents to pass orders to regulate the period of absence by the petitioner from January 2012 to 01.08.2017 as compulsory wait period with all consequential and service benefits, including arrears of salary, in modification of orders passed by the 1st respondent in G.O (D) No 556 Health and Family Welfare Department dated 20.04.2021, based on the representation submitted by the petitioner lastly on 25.06.2026.”

2. The petitioner was appointed as an Assistant Surgeon in the Tamil Nadu Medical Service through TNPSC on 21.05.1996. The petitioner submits that he suffered serious health issues and proceeded on medical leave from 06.07.2008. However, the same was treated as unauthorised leave. Despite



repeated requests from January 2010 seeking to rejoin duty, the department failed to permit the petitioner to resume service.

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3. The case of the petitioner is that though disciplinary proceedings were initiated alleging unauthorised absence, the petitioner consistently expressed his willingness to rejoin duty and participated in the enquiry. After prolonged delay, the petitioner was permitted to rejoin service only on 02.08.2017 and was subsequently imposed with the minor punishment of stoppage of increment for two years without cumulative effect, with a specific observation that the punishment would not affect pensionary benefits.

4. Subsequently, by G.O. (D) No.556 dated 20.04.2021, the period from 06.07.2008 to 01.08.2017 was regulated as Extraordinary Leave without pay and allowances by relaxing the Fundamental Rules. The petitioner has repeatedly requested the respondents to treat the period during which rejoining was denied as compulsory wait period, revise pay fixation, restore service benefits and grant consequential promotions. However, the same was not considered. Therefore, the petitioner is before this Court.

5. Considering the facts and circumstances of the case and the fact that the petitioner's representation dated 25.06.2026 has not been



considered to date, a direction is issued to respondents to consider the petitioner's representation and pass orders on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

07-08-2026

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

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