

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Review No.198 of 2014 IN WA.No.2315/2012

T.Usharani

.. Petitioner

Vs.

1. The Director,
Medical and Rural Health Services (ESI)
Chennai-600 006.
2. The Regional Administrative Medical Officer,
Employees State Insurance Corporation,
Perambur, Chennai-600 012.
3. The Chief Medical Officer,
ESI Dispensary, Kelambakkam,
Kancheepuram District – 603 103.
- 4.The Superintendent,
ESI Hospital, Ayanavaram,
Chennai-600 023.

.. Respondents

Prayer:- Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C. seeking to review the order dated 17.03.2014 made in W.A. No.2315 of 2012 against W.P. No.25773 of 2010 on the file of this Court.

For Petitioner : Mr.M.Rajamani

For Respondents : Mr.V.Subbiah, Special Government Pleader

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

Heard the submissions of Mr.M.Rajamani and Mr.V.Subbiah, learned Special Government Pleader appearing on behalf of the respondents.

2.When the matter was listed on 24.04.2015, Mr.V.Subbiah, learned Special Government Pleader accepted notice and sought time to get instructions as to the question of accommodating the petitioner in any one of the ESI dispensaries located in and around the city of Chennai. Thereafter, the matter has been adjourned twice so as to enable the learned Special Government Pleader to get instructions.

3.When the matter is listed today, the learned Special Government Pleader produced the proceedings of the Regional Administrative Medical Officer [ESI], i/c., Perambur, Chennai-12, in reference NO.1781/E3/2014 dated 25.06.2015 that there is a vacancy for Pharmacist available at ESI Dispensary, Kelambakkam.

4.Learned counsel for the petitioner as well as the petitioner are present before this Court.

5.The petitioner would submit that she is prepared to join in the said post and on joining the said post, the backwages/salaries may be paid to the petitioner. However, the said request was opposed by the learned Special

Government Pleader and he would submit that the since the petitioner did not work for nearly one year and odd, she is not entitled to get any backwages/salaries.

6.In the light of the communication sent by the Regional Administrative Medical Officer, [ESI], i/c., Perambur, Chennai-12, dated 25.06.2015, the 3rd respondent is directed is issue a posting order to the petitioner to enable her to join as the Pharmacist at ESI Dispensary, Kelambakkam, within a period of one week from the date of receipt of a copy of this order and the petitioner, on joining the said post, is also at liberty to submit a representation with regard to the payment of the backwages/salaries to the 2nd respondent within a period of two weeks thereafter and the 2nd respondent, on receipt of the same, is directed to consider the same and pass orders in accordance with law within a period of four weeks thereafter and communicate the decision taken to the petitioner.

7.The review application is disposed of accordingly. No costs.

[MSNJ] [TSSJ]
26.06.2015

Index : Yes/No
Internet : Yes/No

NOTE:- Issue order copy on 29.06.2015.

AP

M.SATHYANARAYANAN, J.,
AND
T.S.SIVAGNANAM, J.,
AP

To

1. The Director,
Medical and Rural Health Services (ESI)
Chennai-600 006.
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Rev.Appln.No.198/2014

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