

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 06-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19758 OF 2015

N.Gangadhar Rao

...Petitioner

-vs-

- 1.The Government of Tamil Nadu,
rep.by the Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.
 - 2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.
 - 3.The Dean,
Government Stanley Hospital,
Chennai-600 001.
- Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to declare the completion of probation of the petitioner in the post of Junior Assistant and pay him the arrears of pay and allowances for the period of 04.08.1994 to 16.05.1996, annual increments, encashment of earned leave, medical leave, leave travel concession etc., promote the petitioner as Assistant retrospectively with effect from the date of promotion of the juniors and grant him all consequential benefits.

For petitioner : Mr.P.Rajendran
For respondents : Mr.S.Gunasekaran,
Government Advocate.

O R D E R

The petitioner was appointed as a Junior Assistant in the third respondent Hospital on compassionate ground on 04.08.1994. While so, his service was terminated on 16.12.1994, on the ground, that at the time of his appointment, his mother was working as a Sweeper. Against the said order of termination, the petitioner filed O.A.No.6043 of 1995, wherein the Tribunal granted interim stay of termination and, pursuant to the same, the petitioner was

restored to service on 16.05.1996. The O.A.was transferred to this Court and re-numbered as W.P.No.20064 of 2006. On 13.03.2008, this Court allowed the said Writ Petition and set aside the order of termination and the said order of this Court attained finality. However, the period of his non-employment from 17.12.1994 to 16.05.1996 was not regularised and no increments were paid for the said period. Therefore, the petitioner approached this Court by filing W.P.No.17955 of 2013 to regularise his service from the date of his appointment as Junior Assistant on 04.08.1994. The said Writ Petition was allowed on 03.07.2013. Thereafter, the Government issued G.O.(D) No.779, Health and Family Welfare (AD-2) Department, dated 25.07.2014, regularising the service of the petitioner with effect from 04.08.1994

2. Though all the above developments took place, the period of service of the petitioner from 17.12.1994 to 16.05.1996 is yet to be regularised. In this regard, the third respondent sent a proposal in Ref.No.28184/E1/2/93, dated 07.11.2014, to the second respondent, relating to the regularisation of the service of the petitioner from 17.12.1994 to 16.05.1996 and, in spite of the same, no orders are passed by the second respondent.

3. Under the circumstances, this Writ Petition is disposed of, directing the second respondent to pass orders on the proposal of the third respondent in Ref.No.28184/E1/2/93, dated 07.11.2014, within a period of six weeks from the date of receipt of a copy of this order. A further direction is also issued to the respondents to pay salary to the petitioner for the aforesaid period in view of G.O.(D) No.779, Health and Family Welfare (AD-2) Department, dated 25.07.2014, by granting increments and other benefits within the aforementioned time. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-600 009.

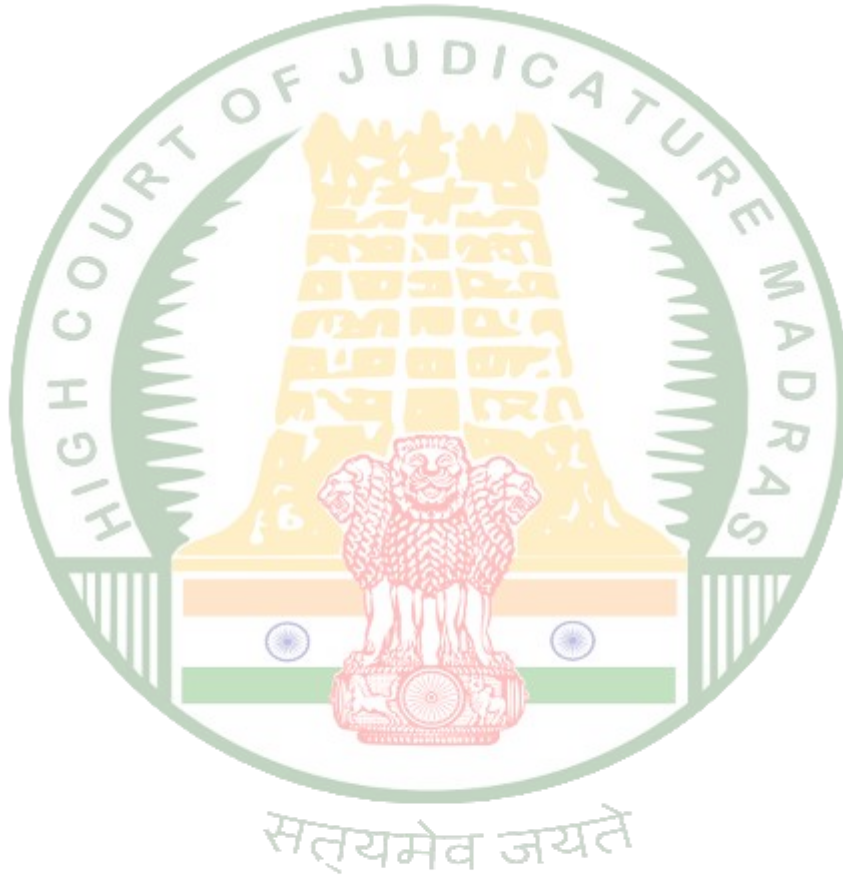
2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

3.The Dean,
Government Stanley Hospital,
Chennai-600 001.

+lcc to Mr.P.Rajendran, Advocate (SR.33927)
+lcc to Government pleader (SR.33947)

VD(CO)
cp 05.08.2015

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