

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24868 of 2015

G.Logan

... Petitioner

Vs.

1. The Joint Director of Health Services,
Government Head Quarters Hospital,
Thiruvallur,
Thiruvallur District
2. The Meidcal Officer, Government Hospital,
Pulicut, Pazharverkadu,
Thiruvallur District
3. The Hospital Superintendent,
District Head Quarters Hospital,
Thiruvallur,
Thiruvallur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's application submitted under Voluntary Retirement Scheme, dated 02.04.2015, in accordance with law and within a stipulated period of time and thereby, direct the first respondent to allow the petitioner to retire from his service under Voluntary Retirement Scheme and enable him to receive all his service and retirement benefits.

For Petitioner : Mr. M.V.Muralidaran

For Respondents : Mr. K.Rajendra Prasad,
Government Advocate

O R D E R

Admit. Mr. K.Rajendra Prasad, learned Government Advocate, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that he was appointed as Pharmacist at Government Primary Health Center, Nemili, Arakkonam, on 26.10.1984. Since the date of joining duty, as Pharmacist, the petitioner has put up nearly 31 years of service in the respondents / Department and he has discharged his duty, with utmost care and devotion with unblemished record of service. Due to his ill-health, he was unable to continue in service. Hence, the petitioner thought to get relieve from the job under the Voluntary Retirement Scheme. In such circumstances, the respondents, vide proceedings, dated 31.03.2015, has transferred the petitioner from the third respondent-hospital to the second respondent-hospital, on administrative grounds. He was also relieved, but he has not joined in the transferred post, on account of his illness and in this regard, he has also submitted his leave letter on 03.04.2015.

3. The petitioner, after getting cured, submitted his willingness to join duty, along with the medical fitness certificate before the second respondent. The first respondent, vide proceedings, dated 16.03.2015, directed him to appear before the Medical Board to ascertain about his health status. In the interregnum, the petitioner has submitted a representation, dated 02.04.2015, seeking permission to go on voluntary retirement scheme. Since no orders have been passed, the petitioner has come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that the petitioner, on account of his illness, is not in a position to carry on his duties and responsibilities and therefore, submitted a letter expressing his willingness to undergo Voluntary Retirement from service and though it was received and acknowledged, he is yet to be favoured with any response, hence he is constrained to approach this Court and prays for appropriate orders.

5. This Court heard the submissions of Mr.K.Rajendra Prasad, learned Government Advocate, who accepts notice on behalf of the respondents.

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into

the merits of the same, directs the first respondent to consider the petitioner's representation, dated 02.04.2015, on merits and in accordance with law, and pass orders on it, within a period of ten weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Joint Director of Health Services,
Government Head Quarters Hospital,
Thiruvallur, Thiruvallur District
2. The Medical Officer, Government Hospital,
Pulicut, Pazharverkadu,
Thiruvallur District
3. The Hospital Superintendent,
District Head Quarters Hospital,
Thiruvallur, Thiruvallur District

+lcc to Mr.M.V.Muralidharan, Advocate, S.R.No.42634
+lcc to the Government Pleader, S.R.No.42455

सत्यमेव जयते

W.P.No.24868 of 2015

KGK (CO)
CA(27/08/2015)

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