

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24890 of 2015

Dr. R.Mohamed Ibrahim @ Paulraj

... Petitioner

Vs.

1. The State of Tamil Nadu, Rep. By its Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009
 2. The Director of Medical Services and Family Planning,
Chennai - 600 006
 3. The Director of Public Health and Preventive Medicine,
Chennai - 600 006
 4. The Joint Director of Medical Services and Family Planning,
Government District Head Quarters Hospital,
Ramanathapuram - 623 503
 5. The Deputy Director of Public Health and Preventive Medicine,
Collectorate Complex,
Ramanathapuram - 623 503
 6. The Accountant General, Chennai - 18
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to regularise the services of the petitioner, by sanctioning the leave to which he is entitled and to sanction pension and other retirement benefits payable to the petitioner, treating the petitioner as retired from service 30.09.2002 with 18% interest per annum, from the date on which pension and other retirement benefits payable to the petitioner as recommended by the Deputy Director of Health Services, Ramanathapuram, in Letter in Ref.R.No.3204/A1/2012, dated 17.08.2012.

For Petitioner : Mr. V.S.Jagadeesan

For Respondent : Mr. S.Gunasekaran,
Govt. Advocate, for R-1 to R-5
Mr. V.Vijayashankar, for R-6.

O R D E R

Admit. Mr. S.Gunasekaran, learned Government Advocate, takes notice for respondents 1 to 5 and Mr. V.Vijayashankar, learned counsel, takes notice for the sixth respondent. 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 selected through the Tamil Nadu Public Service Commission, for appointment to the post of Assistant Surgeon. He joined the services on 06.11.1969. He served in Government Headquarters, Trichy, till 18.11.1969 and thereafter, he was posted as Assistant Surgeon at Government Primary Health Center, Karaiyur, and while working there, he has completed his probation, on 05.11.1971, and his probation was also declared. Thereafter, the petitioner was transferred and posted at Ramanathapuram Headquarters, as Assistant Surgeon, and served there till 16.11.1976. Vide Order, dated 27.10.1976, he was transferred and posted at Government Hospital, Thandikudy. The petitioner was again transferred to Mudukulathur Government Hospital, Ramnad District, on 24.12.1976. Subsequently, the petitioner underwent a Post Graduate Diploma Course (DCH), as an in-service candidate, at Madurai Medical College, in the year 1978-1979 and after completing the course, he joined the duty in the headquarters hospital in the Ramanathapuram District, during the year 1980.

3. The petitioner was transferred to various posts and while he was working in Primary Health Center, Devipattinam, his mother was suffered by Pulmonary Tuber Culosis with Heamoptysis and her condition became serious and since no other person was available to take care of her, the petitioner applied for extraordinary leave on 11.03.1983 onwards and the petitioner has submitted a letter, dated 23.10.1984, seeking to grant one more year as extraordinary leave and also sent reminders to grant such leave.

4. In the interregnum, the petitioner has attained the age of superannuation on 07.09.2002. Therefore, the petitioner has submitted number of representations to pass orders retiring him from service and confer him the terminal benefits and a positive recommendation was also made by the fifth respondent. But, no orders have been passed by the respondents. Therefore, the petitioner sent reminders on 22.07.2013 and 22.04.2014 to the fourth respondent. Since no orders have been passed, the petitioner has come forward to file this writ petition.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents 1 to 5 and Mr.V.Vijayashankar, learned counsel, who accepts notice on behalf of the sixth respondent.

6. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the first respondent, by enclosing a copy of this order as well as the copies of the earlier representations, including the recommendation of the fifth respondent, dated 17.08.2012, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the first respondent is directed to consider the said

representation and pass orders on merits and in accordance with law, within a period of ten weeks thereafter and communicate the decision taken to the petitioner.

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

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

srk

To

1. The Secretary, State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009
2. The Director of Medical Services and Family Planning,
Chennai - 600 006
3. The Director of Public Health and Preventive Medicine,
Chennai - 600 006
4. The Joint Director of Medical Services and Family Planning,
Government District Head Quarters Hospital,
Ramanathapuram - 623 503
5. The Deputy Director of Public Health and Preventive Medicine,
Collectorate Complex, Ramanathapuram - 623 503
6. The Accountant General, Chennai - 18

+1 cc to Mr.V.S.Jagadeesan, Advocate, sr.42170

+1 cc to Government Pleader, sr.42366

tej(co)
kra(25/08)

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& M.P.No.1 of 2015

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