

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.25523 of 2015

Dr.Amudha Sivanandam

... Petitioner

Vs

1. State of Tamil Nadu
Rep. By its Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St. George,
Chennai 600 009

2. The Director
Medical and Rural Health Services
Chennai 600 006.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to consider the representation dated 6.7.2015, sent by the petitioner seeking payment of retrospective arrears on promotion to the post of Chief Civil Surgeon for the panel 2008-2009.

For Petitioner : Mr.Baranidharan

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that she joined the Tamil Nadu Medical Service as an Assistant Surgeon during the year 1989, and was promoted as Senior Assistant Surgeon during the year 2001. According to her, she has rendered hard, sincere and unblemished service to the satisfaction of the superior officers.

3.It is further stated by the petitioner that the second respondent based on various Government Orders, approved a panel on 20.7.2009, for the post of Chief Civil Surgeon for the year 2008-2009 and the approved names to be promoted as Chief Civil Surgeon, were also mentioned in Annexure No.I, in which the petitioner's name was also found, and the service particulars were also found in Annexure No.II and though the name of the petitioner was found, her service particulars have not been given and subsequently, the first respondent passed G.O.(Ms) No.354, Health and Family Welfare (B2) Department, dated 23.10.2009, laying down the Rules and requirements for providing promotional opportunities for various Government Doctors at different levels, and the petitioner has also submitted all necessary particulars through proper channel so as to include her name in the panel for the year 2008-2009 and however, the petitioner to her shock and surprise, received a communication dated 16.12.2010, from the second respondent stating that the currency of punishment ordered earlier to her, has expired on 30.6.2010, and therefore, her claim could be considered only for the next year panel i.e., 2010-2011, for which, the crucial date was 15.3.2011, and she, in this regard, submitted a reply dated 11.6.2011, stating that the Disciplinary Proceedings were dropped and the punishment of stoppage of increment imposed by the second respondent, was without cumulative effect and was given effect from 23.2.2009 till 23.8.2009 and from 1.1.2010 till 1.7.2010 respectively and hence, there cannot be any impediment to consider her claim.

4.The petitioner would further state that the second respondent has also clarified that she is fully qualified to get refitment in the panel for the year 2009 and accordingly, her name was refitted in the panel for 2009, as approved by the proceedings of the Director of Medical and Rural Health Services dated 21.1.2011.

5.The grievance now expressed by the petitioner, is that though she was refitted, the arrears of pay and other benefits have not been conferred on her and in this regard, she has submitted a representation dated 6.7.2015, to the second respondent and since no orders have been passed, came forward to file this writ petition.

6.The learned Counsel appearing for the petitioner, would submit that the petitioner is entitled to arrears of salary and notional promotion to the post of Chief Civil Surgeon for the panel 2008-2009 and though her representation was received and acknowledged, she is yet to be favoured with any response and hence, prays for appropriate orders.

7.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, also.

8.This Court, taking into consideration the above facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation dated 6.7.2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St. George,
Chennai 600 009
2. The Director
Medical and Rural Health Services
Chennai 600 006.

+1cc to M/s.R.Karthikeyan, Advocate, S.R.No.43141
+1cc to the Government Pleader, S.R.No.43481

W.P.No.25523 of 2015

VSN(CO)
CA(01/09/2015)

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