

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34805 of 2015

K.Perumal

... Petitioner

Vs.

1. The Director
Medical, Rural Health Services
and Family Welfare Department,
Chennai - 600 006

2. The Deputy Director
Medical, Rural Health Services
and Family Welfare Department,
Dharmapuri District,
Dharmapuri

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioner for the suspension period i.e., 14.05.2008 to 05.06.2011 and to fix the time scale of pay thereby disburse all the monetary emoluments based on petitioner's representation dated 25.01.2014 and 12.10.2015.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

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

2.The petitioner while working as a Driver in Government Primary Health Center, Samalpatti, Krishnagiri District has been placed under suspension on 14.05.2008 on account of his involvement in Crime No.88 of 2008 registered by the Samalpatti Police Station. The case after investigation has culminated into charge sheet which was taken on file in C.C.No.96 of 2008 on the file of the District Munsif - cum - Judicial Magistrate, Uthangarai Court. After full-fledged trial, the case has ended in acquittal vide judgment dated 11.03.2011 and on the basis of

the said judgment, the order of suspension was also revoked and the petitioner was also reinstated in service on 06.06.2011. The grievance expressed by the petitioner is that the suspension period between 14.05.2008 to 05.06.2011 has not been regularized and in this regard, has also submitted representations dated 25.01.2014 and 12.10.2015 to the respondents and since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representations dated 25.01.2014 and 12.10.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. The writ petition is disposed of accordingly. No costs.
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-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Director
Medical, Rural Health Services
and Family Welfare Department,
Chennai - 600 006

2. The Deputy Director
Medical, Rural Health Services
and Family Welfare Department,
Dharmapuri District,
Dharmapuri.

+ 1 cc to Mr.C.Prabakaran, Advocate SR 59468

vd(co)
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