

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2016

Coram :

The Hon'ble Mr.Justice K.KALYANASUNDARAM

W.P.No.244 of 2016

Dr.S.Abdul Khuddus Azami

... Petitioner

vs

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

2.Principal Secretary and Commissioner
Indian Medicine and Homeopathy Department
Chennai - 600 106.

3.Principal Accountant General
Tamil Nadu,
Chennai - 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondent to issue order declaring the petitioner probation and consequentially pass orders sanctioning periodical annual increments after completion of each year service, selection grade pay and special grade pay after completion of 10 years and 20 years of service respectively, Death cum Retirement gratuity taking into consideration of the number of years of service rendered and the legally entitled pay and allowances including the annual increments, fixing the last pay drawn correctly as per the pay rules, recasting the leave account as per the leave rules and sanction the earned leave of 240 days and unearned leave of 90 days.

For Petitioner : Mr.N.Krishnakumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader for R1 & R2

Mr.V.Vijay Shankar for R3

O R D E R

By consent, this writ petition is taken up for disposal at the admission stage itself.

2. The writ petition is filed for issuance of a writ of mandamus directing the respondent to issue order declaring the petitioner's probation and consequently pass orders sanctioning periodical annual increments and other benefits.

3. The petitioner would state that he was appointed as Assistant Medical Officer by the Tamil Nadu Public Service Commissioner as per G.O.Ms.No.30 Indian Medicine and Homeopathy dated 04.03.1986. The petitioner was removed from services for non-passing of Tamil language tests, as per G.O (2D) No.49 Health and Family Welfare Department dated 29.05.2010. Challenging the order, the petitioner filed WP No.16309 of 2010 and this Court, while allowing the writ petition, directed the respondent to allow the petitioner to retire from service, by granting relaxation of the rules, with consequential service and monetary benefits including pension.

4. The grievance of the petitioner is that the Government, by passing G.O.Ms.No.28 H & FW (M)2(1) Department dated 18.01.2012, permitted the petitioner to retire from service w.e.f. 31.5.2010, but some of the service benefits were not given to the petitioner. Therefore, he made a representation to the respondents on 13.11.2015. Since, it was not considered, the present writ petition has been filed.

5. Heard Mr.N.Krishnakumar, learned counsel appearing for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who accepts notice on behalf of the respondents 1 & 2 and Mr.V.Vijay Shankar, learned counsel who accepts notice on behalf of the 3rd respondent.

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 case, directs the respondents to consider the petitioner's representation dated 13.11.2015 and pass orders on merits and in accordance with law, within a period of twelve 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

To

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

2.Principal Secretary and Commissioner
Indian Medicine and Homeopathy Department
Chennai - 600 106.

3.Principal Accountant General
Tamil Nadu, Chennai - 600 006.

+lcc to Mr.N.S.Nandakumar, Advocate, S.R.No.1211
+lcc to Mr.V.Vijay Shankar, Advocate, S.R.No.914
+lcc to the Government Pleader, S.R.No.996

W.P.No.244 of 2016

sv(CO)
srg(27/01/2016)

सत्यमेव जयते

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