

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.26206 of 2016

Dr.P.G.Kulandaivelu

.. Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Principal Secretary
Health & Family Welfare Department
Fort St.George
Chennai-600 009.

2.The Principal Secretary
Finance Department
Fort St.George
Chennai-600 009.

3.The Director of Medical and
Rural Health Services
DMS Compound
Chennai-600 006.

4.The Director of Medical Education
Kilpauk
Chennai-600 010.

.. Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to pass orders on the representation, dated 15.02.2016, seeking implementation of G.O.Ms.No.301 Health and Family Welfare (A2) Department, dated 06.10.2015, granting Time Bound Promotion and consequential revision and refixation in pension, on merits and within a time to be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.L.Chandrakumar

For Respondents :Mr.M.Dig Vijaya Pandian
Additional Government Pleader

* * *

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to pass orders on the representation, dated 15.02.2016, seeking implementation of G.O.Ms.No.301 Health and Family Welfare (A2) Department, dated 06.10.2015, granting Time Bound Promotion and consequential revision and refixation in pension, on merits and within a time frame.

3. The petitioner was initially appointed as Assistant Surgeon in the Tamil Nadu Medical Services, on 21.07.1973. Subsequently, by promotions, he reached the post of Professor and HOD of Surgery. On attaining the age of superannuation, he retired from service, on 31.08.2006. He was paid pension. According to the petitioner, the Government issued G.O.Ms.No.301 Health and Family Welfare (A2) Department, dated 06.10.2015, whereby Time Bound Promotions were directed to be conferred, extended and ordered to be granted to Medical Officers, who have completed 8/15/17/20 years of services before 23.10.2009 to the post of Senior Assistant Surgeon/Civil Surgeon/Senior Civil Surgeon/Chief Civil Surgeon respectively on and from the date of completion of the above said period, subject to the condition that the monetary benefits shall be only effective from the date of issue of G.O.Ms.No.354, dated 23.10.2009. The grievance of the petitioner is that though, the petitioner has submitted a representation, dated 15.02.2016, seeking Time Bound Promotion as per the said Government Order and consequential revision and refixation in pension and other pensionary benefits, the same was not considered till date. Hence, the Writ Petition has been filed.

4. Mr.L.Chandrakumar, the learned counsel appearing for the petitioner, would submit that the petitioner would be satisfied, if a direction is issued to the 1st respondent to consider and pass appropriate orders on his representation, dated 15.02.2016, seeking Time Bound Promotion, in the light of the Government Order in G.O.Ms.No.301 Health and Family Welfare (A2) Department, dated 06.10.2015.

5. Mr.M.Dig Vijaya Pandian, the learned Additional Government Pleader, who took notice for the respondents, has got no objection in directing the 1st respondent to consider and pass orders on the representation of the petitioner, on merits and in accordance with law.

6. Considering the above submission, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent, to consider the representation of

the petitioner, dated 15.02.2016, seeking Time Bound Promotion, and pass appropriate orders, on merits and in the light of the Government Order in G.O.Ms.No.301 Health and Family Welfare (A2) Department, dated 06.10.2015, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary
State of Tamil Nadu
Health & Family Welfare Department
Fort St.George, Chennai-600 009.

2.The Principal Secretary
Finance Department
Fort St.George, Chennai-600 009.

3.The Director of Medical and
Rural Health Services
DMS Compound
Chennai-600 006.

4.The Director of Medical Education
Kilpauk, Chennai-600 010.

+1 cc to Govt.Pleader,sr.42750

+1 cc to mr.L.Chandrakumar, Advocate,sr.42659.

pa(co)
krd 24/8

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