

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.278 of 2016

Dr.K.Sathyanarayanan

.. Petitioner

.Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner,
Indian Medicine and Homeopathy Department,
Arumbakkam,
Chennai 600 106.

..Respondents

Writ 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 as Assistant Medical Officer (Sidha) and fix his interse seniority from 12.08.2004 and grant him pay provident fund and other benefits as on that date as per his representation dated 29.09.2015.

For petitioner : Ms.R.Meenal

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader.

O R D E R

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

2. The present writ petition is filed for issuance of writ of mandamus directing the respondents to regularize the service of the petitioner as Assistant Medical Officer (Siddha) and fix his interse seniority from 12.08.2004 and grant him pay provident fund and other benefits.

3. The case of the petitioner is that he is affected with post-polio residual paralysis with 45% disability in his leg. He has successfully completed BSMS and also obtained M.D. (Siddha Medicine) in the year 2002.

4. The petitioner would further state that he is qualified for the post of Assistant Medical Officer (Siddha) in the Department of Indian Medicine and Homoeopathy in Tamil Nadu Medical Service. Since 3% reservation for the physically challenged person was not available for Group A and B posts in the Tamil Nadu Government service, he filed W.P.Nos.21078 and 21079 of 2004 challenging the proviso to Rule 22 of the Tamil Nadu State Subordinate Service Rules and for a direction to give 3% reservation for physically challenged persons. Pursuant to the order in the writ petition, he was appointed on 29.05.2012. As per the order passed by this Court in W.P.No.5097 of 2009, dated 17.11.2011, the petitioner is entitled for regularization from 2003-2004. Since it was not considered by the respondents, the petitioner sent a representation dated 29.09.2015. Since no order has been passed, the present writ petition has been filed.

5. Heard the submissions of Ms.R.Meenal, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Spl.Govt.Pleader, who accepts notice on behalf of the respondents.

6. This Court, considering the limited prayer sought for in the writ petition and without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 29.09.2015 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.

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

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

To

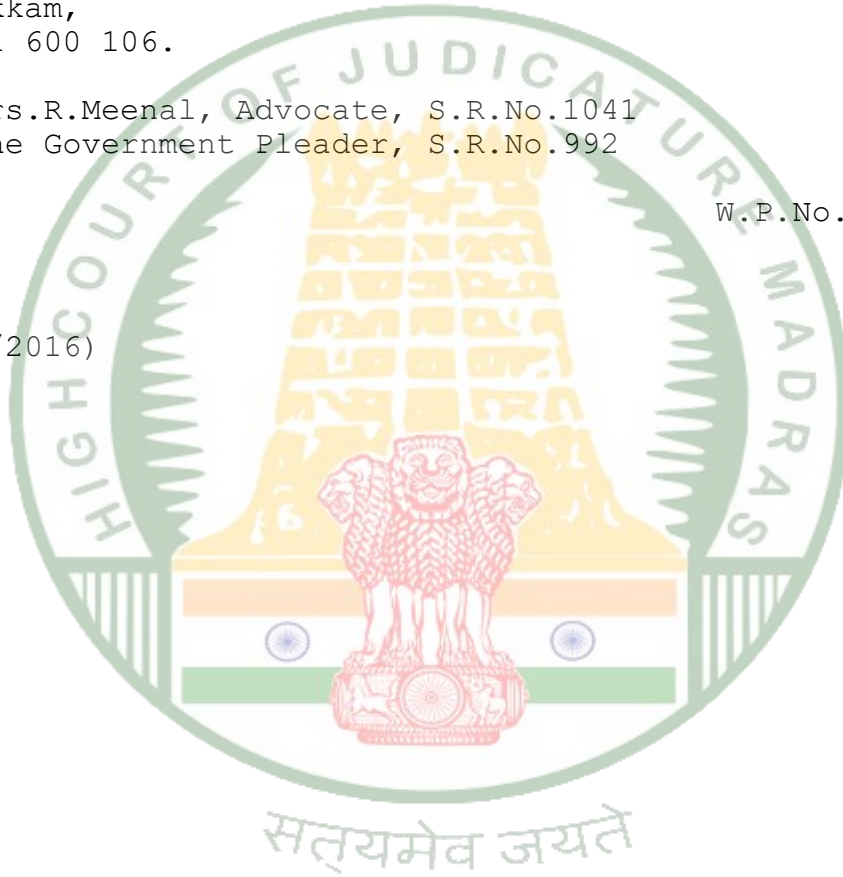
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+1cc to Mrs.R.Meenal, Advocate, S.R.No.1041
+1cc to the Government Pleader, S.R.No.992

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sld(CO)
srg(02/02/2016)



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