

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42743/2016

Dr.T.Udayamarthandan .. Petitioner

Vs.

1.The Principal Secretary to the
Government, Health & Family
Welfare [IM-2] Department
Fort St George, Chennai 600 009.

2.The Commissioner of Indian Medicine
& Homeopathy, Arumbakkam
Chennai 600106.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein to consider the petitioner's representation dated 02.11.2016 and to refix the petitioner's seniority reckoning his service from 16.07.1983 as envisaged in G.O [3D] No.85, Health and Family Welfare [IM2-1] dated 22.09.2016 and to consider the petitioner for promotion to the post of District Medical Officer [Siddha] from the date of petitioner was so entitled based upon his refixed seniority and to accord the petitioner all other attendant benefits.

For Petitioner : Mr.J.Thilagaraj
For R1 & R2 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner is a holder of Bachelor's Degree in Siddha Medical Sciences [BSMS] and he joined the Government services on 16.07.1983 as Assistant Medical Officer in a temporary capacity and according to him, ever since joining the service, he is performing the duties and responsibilities in an admirable manner. The petitioner would submit that subsequently he passed the competitive examination conducted by the Tamil Nadu Public Service Commission for his regular appointment as Assistant Medical Officer, Grade-I and also passed the Medical Code examination held on 03.05.1984 and the Account Test for Executive Officers held on 04.05.1987 and sought for regularisation of service from the date of his initial appointment, i.e., 16.07.1983. The petitioner would further state that on account of the orders passed in WP.No.42650/2009 and also in Cont.P.No.825/2013, his services were regularised from the date of his initial appointment, vide G.O. [4D] No.12, Health and Family Welfare Department, dated 03.07.2012. The

grievance expressed by the petitioner is that despite regularisation of service, his seniority is yet to be fixed and in that event, he would have become eligible for the post of District Medical Officer [Siddha] long back. The petitioner, in the form of representations dated 03.10.2016 and 02.11.2016 respectively, submitted to the respondents, has prayed for re-fixation of his seniority from 16.07.1983 and to consider his claim for promotion to the post of the District Medical Officer [Siddha], by taking into account the re-fixation of his seniority by the 2nd respondent vide G.O.Ms.No.85, Health & Family Welfare Department, dated 22.09.2016 and since he is yet to be favoured with any kind of response, he came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 03.10.2016 and 02.11.2016 respectively on merits and in accordance with law and pass orders

M.SATHYANARAYANAN, J.,

AP

within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

08.12.2016

Index : No

Internet : Yes

AP

To

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WP.No.42743/2016