

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21996 of 2004
and
W.P.M.P.No.26554 of 2004

M.Jayaraman

... Petitioner

Vs.

1. The Secretary to Government of
Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine, Teynampet,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Asoori Street, Thiruvallur,
Thiruvallur District.
4. The Civil Surgeon,
Government Upgrade Primary Health Centre,
Perambakkam,
Thiruvallur Taluk,
Thiruvallur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the G.O.Ms.No.158, Health and Family Welfare (N-1) Department dated 30.06.2003 and direct the respondents to regularise petitioner's services and pay the arrears of salary increments and pension due and payable to petitioner.

For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.A.Zakkir Hussain
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to implement the G.O.Ms.No.158, Health and Family Welfare (N-1) Department dated 30.06.2003 and direct the respondents to regularise petitioner's services and pay the arrears of salary increments and pension due and payable to petitioner.

2. The brief facts of the case is that the petitioner was temporarily appointed as Health Assistant in Kadambattur Panchayat Union, Thiruvallur District on 15.09.1972 and subsequently, he made a representation to the authority for regularisation of his service by invoking Rule 5(a) of the Tamilnadu State and Subordinate Service Rules r/w.General Rule 48 as well as Section 26 of the Tamil Nadu Public Health Subordinate Service Rules and to relax his age. Accordingly, the respondent vide G.O.M.s.No.158, Health and Family Welfare (N-1) Department dated 30.06.2003, relaxed the age of the petitioner by exercising the powers conferred under Rule 48 of the Tamilnadu State and Subordinate Service Rules. Thereafter, the petitioner filed a Writ of Mandamus directing the respondents to regularise petitioner's services and pay the arrears of salary increments and pension due and payable to petitioner by implementing the G.O.M.s.No.158, Health and Family Welfare (N-1) Department dated 30.06.2003.

3. This court, by an interim order dated 18.03.2005 directed the first respondent to relax the age of the petitioner for entry into service.

4. Learned counsel for the respondents also submitted that they have complied with order dated 18.03.2005 which has been extracted as follows:

" In the light of G.O.Ms.No.158 dated 30.06.2003, wherein the first respondent has ordered for relaxation relating to the age of the petitioner for entry into service by invoking Rule 5 (a) of the Tamilnadu State and Subordinate Service Rules r/w.General Rule 48 as well as Section 26 of the Tamil Nadu Public Health Subordinate Service Rules, the respondents are directed to pay the petitioner's salary arrears based on the regularisation ordered under the above referred to G.O., with effect from 22.10.1982 by calculating the due salary payable by virtue of the said regularisation including the increments payable.

The respondents shall make the payment within six weeks from the date of receipt of copy of this

order."

In view of the G.O.M.s.No.158, Health and Family Welfare (N-1) Department dated 30.06.2003 and taking note of the fact that the first respondent has complied with the interim direction granted by this court on 18.03.2005, nothing survives for adjudication in this writ petition. Hence, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

gv

To

1. The Secretary to Government of
Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
 2. The Director of Public Health and
Preventive Medicine, Teynampet, Chennai - 600 006.
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 4. The Civil Surgeon,
Government Upgrade Primary Health Centre,
Perambakkam, Thiruvallur Taluk, Thiruvallur District.
- +1 CC to Govt. Pleader sr 61658.

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W.P.No.21996 of 2004
And
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NM(CO)
sp(14/09/2017)