



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.23564 of 2016 and
W.M.P.(MD) No.1522 of 2017

S.Ayyalu

...Petitioner

Vs.

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai-9.

2. The Director of Medical and Rural Health Services (ESI),
Chennai-600 006.

3. The Medical Superintendent,
E.S.I.Hospital, Sivakasi Post,
Virudhunagar District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take adequate steps to renew the post of ECG Technician at ESI Hospital, Sivakasi, Virudhunagar District in pursuance of G.O.No.1017 dated 11.05.1987 with a consequential direction to post the petitioner in that place and also direct the respondents to consider the petitioner's services of 16 years at Rajapalayam Rajus College as per G.O.Ms.No.349 dated 05.05.1995.

For Petitioner	: M/S.N.Balakrishnan Mrs. M.Sakundala Devi
For Respondents	: Mr. J.Gunaseelan Muthiah Government Advocate

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to take adequate steps to renew the post of ECG Technician at ESI Hospital, Sivakasi, Virudhunagar District in pursuance of G.O.No.1017 dated 11.05.1987 with a consequential direction to post the petitioner in that place and also direct the respondents to consider the petitioner's services of 16 years at Rajapalayam Rajus College as per G.O.Ms.No.349 dated 05.05.1995.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Though the Writ petition is for issuing a positive direction, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the respondents 1 and 2 to consider the representation of the petitioner, dated 19.05.2016 within the time stipulated by this court.

4. Having regard to the limited scope of the prayer sought before this court by the learned counsel for the petitioner, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to issue the following direction:-

"The respondents 1 and 2 are directed to consider the representation of the petitioner, dated 19.05.2016, and pass appropriate orders on merits in accordance with law, preferably after considering the request of the second respondent before the first respondent regarding merits within a period of eight weeks from the date of receipt of a copy of this order. The respondents are also directed to consider the additional facts and proceedings of the official respondents by giving an opportunity of personal hearing to the petitioner. The petitioner is also directed to make a further representation within a period of two weeks from the date of receipt of copy of this order."

5. Accordingly, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-9.

<https://hcservices.echets.gov.in/esri/>
2. The Director of Medical and Rural Health Services (ESI),
Chennai-600 006.



3. The Medical Superintendent,
E.S.I.Hospital,Sivakasi Post,
Virudhunagar District.

+1cc to M/S.N.Balakrishnan Advocate SR.No.19134
+1cc to Special Government Pleader, SR.No.19258

ORDER MADE IN
W.P.(MD).No.23564 of 2016 and
W.M.P.(MD) No.1522 of 2017
03.04.2017

JM/SKN RSK/SAR 2/18.04.2017/3P/6C